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Br Doc 650



R E P O R T S
FROM
C O M M I T T E E S :
EIGHTEEN VOLUMES.

—(1.)—

ARUNDEL BOROUGH; DUNGARVAN, &c. BOUNDARIES;
CANADA CANALS;
CRUELTY TO ANIMALS; EXCHEQUER COURT, SCOTLAND;
EXPIRED AND EXPIRING LAWS;
LIBRARY OF THE HOUSE OF COMMONS; MILITIA ESTIMATES
MORTON'S PATENT SLIP; PUBLIC PETITIONS;
CREMILL POINT; WESTMINSTER IMPROVEMENT.
RAJAH OF TRAVANCORE.

Session

6 December 1831—16 August 1832.

V O L. V.

1831-2.

Batt. Doc. 378

Br Doc 650

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1831-2.

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ARUNDEL BOROUGH.

R E P O R T.

THE SELECT COMMITTEE appointed to consider the REPORT of the COMMISSIONERS on the LIMITS of the BOROUGH of *Arundel*, and to report their opinion thereupon to The House:—HAVE, pursuant to the Order of The House, examined the matters to them referred, and agreed to the following REPORT.

THE COMMITTEE have proceeded to examine the Report of the Commissioners on the Borough of *Arundel*, and as it appeared that the question in dispute mainly depended on the number of Tenements of the value of £.10 a year within the present Borough of *Arundel*, they directed a Surveyor of eminence from London to proceed to *Arundel* to inquire into and report the number of Tenements of this value. Upon examining this Report, the Committee are of opinion, that the Tenements of the value of £.10 a year, estimated according to the rules adopted by the Commissioners in other cases, amount to such a number as to justify the Committee in recommending to the House that the Limits of the Borough shall not be extended beyond the Parish of *Arundel*.

Your Committee think themselves called upon in justice to state, that they have seen no reason to question the fairness and impartiality of the Commissioners on this occasion.

June 1832.

R E P O R T

FROM

SELECT COMMITTEE

• OR

LIMITS OF THE BOROUGH OF ARUNDEL.



Ordered, by The House of Commons, to be Printed,

19 June 1832.

DUNGARVON, YOUGHALL AND MALLOW BOROUGHS.

R E P O R T.

THE SELECT COMMITTEE appointed to consider the REPORT of the COMMISSIONERS on the LIMITS of the BOROUGHS of *Dungarvon*, *Youghall* and *Mallow*, and to report their Opinion thereupon to The House :—HAVE considered the matter to them referred ; and have agreed to the following REPORT :

YOUR COMMITTEE recommend that the Limits of the Borough of *Youghall* should be extended somewhat beyond those assigned to it by the Commissioners, and that the following should be substituted :—

FROM the point to the South of the Town where the New Road to Cork quits the Sea-shore, Northward, in a straight line to a point on the Windmill Lane, where the same is joined by a Bye Road from the North, about 200 yards to the West of the House occupied by Mr. Flynn ; thence in a straight line to the South-west angle of the Ordnance Ground, on which the Barracks are built ; thence along the Western Fence of the Ordnance Ground to the North-west corner thereof ; thence, Northward, in a straight line to the spot where the Upper Edge of the Great Quarry is cut by a Road that runs through the same ; thence down the said Road to the point where the same meets the Mount Uniacke Road ; thence, Northward, in a straight line to the point where a Bye Road that leads from the Mount Uniacke Road to the Waterford Road makes a turn almost at right-angles, a little to the South of the House called Eustace's Folly ; thence, Northward, along the same Road, passing to the West of Eustace's Folly, to the spot where the same Road meets the Waterford Road ; thence in a straight line to the nearest point of the Sea Coast ; thence along the Sea Coast to the point first described.

WITH respect to *Dungarvon*, it appears that the Commissioners were misinformed as to any distinction existing between the rights of the £.5 Householders of the Town and of the Manor ; and as all Householders to the amount of £.5 throughout the whole of the Manor appear at present to be entitled to vote, Your Committee recommend that the Limits of the Borough should not be restricted, except so far as to exclude some small portions, which are wholly detached from the remaining part. They recommend also that some small portions of Land, altogether inclosed within the present Borough, but respecting the rights of which some doubts exist, should be declared to belong to the New Borough.

YOUR Committee have examined into the circumstances of the Town and Neighbourhood of *Mallow*, and see no sufficient ground for recommending any alteration in the Limits suggested by the Commissioners.

23 July 1832.

R E P O R T

FROM

SELECT COMMITTEE

ON

LIMITS

OF THE

BOROUGHS OF DUNGARVON, YOUGHALL
AND MALLOW.



Ordered, by The House of Commons, to be Printed,

23 July 1832.

DUNGARVAN, YOUGHALL AND MALLOW BOROUGHS.

MINUTES OF EVIDENCE

Taken before the Select Committee appointed to consider the REPORT of the COMMISSIONERS on the LIMITS of the BOROUGHS of *Dungarvan, Youghall and Mallow*, and to report their Opinion thereupon to The House.

Sabbati, 9^o die Junii, 1832.

EDWARD JOHN LITTLETON, ESQ. IN THE CHAIR.

Captain Gipps, called in; and Examined:

1. YOU were the Chief Commissioner appointed by the Government for the purpose of inquiring into the limits of boroughs in Ireland?—Yes.
2. Did you personally visit the three boroughs which are referred to this Committee?—I did.
3. What were the general instructions which were given to you with regard to those boroughs in which the extension of the borough jurisdiction had no reference to the exercise of the elective franchise?—Not to regard the extent of jurisdiction in proposing new boundaries, when the jurisdiction was not connected with the elective franchise.
4. Was that instruction in conformity with those which had been given to the Commissioners in England?—I believe it to have been in conformity with the paragraph that relates to the same subject in Lord Melbourne's letter of instructions addressed to Lieutenant Drummond; it appears to me to be so.
5. In fixing the limits of boroughs where no particular line appeared to guide you, what were the instructions that were given to you with regard to the limits to be taken?—To include the whole town, but as little as possible of land not occupied by houses.
6. Read to the Committee the passage from your instructions which refers to this subject?—

Captain Gipps.

9 June 1832.

[In answer to this question the witness read the following passage from the Letter of Instructions addressed to him by the Chief Secretary for Ireland, dated 29th October 1831:]

“Where the town extends beyond the existing limits of the borough, you will mark those limits upon your plan; and you will also draw such a line as, taken from one known point to another, may comprise the whole of what may be fairly considered as part of the town or its suburbs, together with as little as possible of land not occupied by houses.”

7. What did you understand to be the motive for desiring you, in general, to draw the limits as closely as possible round the towns in Ireland?—I consider one of the principal reasons to be the desire not to include freeholders within the limits of the town, as they would be deprived of their votes for the county in cases where they occupied their freeholds. There are other reasons that I consider might be given; but that was the reason I believe that was principally given. In my own opinion, there are many others which might be given in favour of the mode that was adopted.

2 MINUTES OF EVIDENCE BEFORE SELECT COMMITTEE

Captain Gipps.

9 June 1832.

8. Are there not several towns in Ireland to which there are agricultural districts attached, under the name of the liberties of the town?—Almost every town in Ireland has liberties attached to it; but the extent of those liberties we found to be, in general, but little known.

9. In the cases of Newry, Lisburn and Downpatrick, does not residence within the prescribed limits of the town, or the agricultural district, give a right of voting?—Residence within the agricultural district gives, in the cases of those three towns, the right of voting equally with residence within the town itself.

10. In those places, therefore, you did not consider yourselves warranted by your instructions to propose a more limited boundary than that which is now possessed by them?—It would have been directly against our instructions to have proposed a more limited boundary in those cases. The Commissioners, however, for their own satisfaction, sketched out more restricted boundaries for those towns, in the idea that an alteration in the intentions of Government, or a decision of the House of Commons, might render them necessary; but they did not bring them forward in their Reports, for the reason I have above stated. They sketched out the boundaries merely that they might not, in any case, be under the necessity of revisiting the places.

11. In the case of Youghall you did not consider it necessary to include the liberties of Youghall in the limits which you proposed to the boroughs?—It would have been contrary to our instructions to have done so, as those liberties are not connected with the exercise of the elective franchise.

12. What was the right of voting in the borough of Youghall?—The right is set forth in the Report; Youghall is a corporate town, therefore the right of election is in the freemen of the corporation.

13. Youghall, therefore, was one of the boroughs which came within the general rule requiring you to draw the limits closely round the town and its suburbs?—Yes.

14. Is there any peculiarity in the situation of Youghall which rendered it expedient in your mind to draw the limits very closely round the town?—There is a hill rising immediately behind the town of Youghall, between which and the sea the town is confined; the town has never extended itself over the brow of this hill, nor does it seem likely that it ever will.

15. Is the side of that hill so steep as to be unsuited for building?—Not absolutely unsuited for building, but I think it very unlikely to be built upon; the ground is so high that the situation would be very inconvenient: there is one house there that is marked on the plan near the letters (C.D.); it may be called something in the nature of a villa, but it is a solitary one.

16. You have nothing that shows the limits of the liberties, have you?—I have no plan that shows the limits of the liberties, but I have some information respecting the liberties which, as it is, I can submit to the Committee, if the Committee would wish to hear it.

17. What is the information?—Here is a letter from the Mayor of Youghall, dated the 16th of February 1832; it is an answer from the mayor to some inquiries that I made respecting the liberties; not, however, in contemplation of this Committee, for the Mayor's letter is dated, as I have said, the 16th of February last, which was long before I knew that the case of Youghall would be made a special one for the consideration of a Committee.

18. Are there any known limits to the borough of Youghall?—None that I know of except the limits of the liberties. There are the old walls of the town as shown on the plan, but they are not the limits of any jurisdiction.

19. Then it is co-extensive with the parish?—I believe it is co-extensive with the parish, though this does not follow as a matter of course.

“Youghall, February 16, 1832.

“My dear Sir: In compliance with your letter of the 11th instant, I hasten to give the information required, as far as I feel competent, by answering the queries you put to me: ‘1st, The extent of the liberties of Youghall, whether defined by charter, and whether perambulated; also their population.’ The extent of the liberties from south to north running through the town, is about five miles, and from the barracks on the old Cork road to the west, about $2\frac{1}{2}$ miles, Irish measure. Those liberties are recognized by existing charters, but not defined. A charter of John had been in the corporation possession at a remote

ON DUNGARVAN, YOUGHALL AND MALLOW BOROUGHHS. 3

"remote period, and supposed to have been the charter of creation ; it has been lost, and cannot now be traced or recovered. The liberties are perambulated, from the earliest period of our records to the present moment, in each and every year by the magistrates and corporation, on Whitmonday, for the performance of which the mayor is bound by oath when sworn into office. The population of the liberties by the census of 1821 was 1,920. By the census taken last year, 1,719."

Captain Gipps.

9 June 1832.

[The witness whilst reading the Mayor's letter was interrupted by the following question :]

20. There is one question we must ask before you proceed : exclusive of what?—Exclusive of the town and suburbs.

[The witness then continued the reading of the letter :]

"2d. 'Do the liberties contain any villages, hamlets or manufactories?' There are no villages in the liberties ; there are hamlets, that is, there are seats of freeholders, registered for the county : there are not any manufactories save those of pottery-ware and bricks. '3d. The probable number of 10*l.* freeholders the liberties would afford beyond the limits of the town, that is to say, beyond Sir William Homan's, beyond the great quarries, and beyond the barracks on the old Cork road?' I find some difficulty in answering this. There are several resident persons who are registered freeholders for the county, but the number of occupiers of land who may be qualified by the proposed bill to vote as 10*l.* freeholders I am not competent to form any opinion upon. The cause of Youghall and its liberties not having contributed to the cess, arose from the illegality of the treasurer's warrant, which was directed to the mayor for the time being, who did not feel himself authorized to levy the rate. It is now directed to the proper authority, the baronial constable, who collects it without difficulty."

[The witness then said :] Here is another letter, containing some information about the liberties, it is dated "Youghall, 29 June 1831," and is addressed to Mr. Stanley. It is in answer to the circular letter that was written to all the authorities of Ireland before our commission was appointed. The letter says : "In reply to your letter of the 16th instant, asking for a statement of the number of householders in this town paying 10*l.* rent, and also the number of householders occupying houses of the clear yearly value of 10*l.*, over and above all charges, except only taxes, and church and county cess ; I beg to state that I shall make the return to the best of my knowledge, and as collected from the books of the churchwardens and the gas-light commissioners here, both, particularly the latter, made out as near as possible, and in my opinion correct.

"The number is, as near as I can say, 341, but of these I have no means of stating how many come under your second query ; but I may add that there are several 10*l.* houses in the country round about us, in what are called the liberties of the town, and under my jurisdiction, suppose 40 or 50."

[The witness continued :] What I have last read is a letter from the Mayor who went out of office on the 29th September 1831 : the letter I first read is from the Mayor who came in to office on that day. The number of the 10*l.* houses in the whole of the agricultural districts or liberties, is stated in the letter that I last read to be between 40 and 50 ; but as the numbers returned by the local authorities of any town were less in general than what we found them, I think I should estimate the number of 10*l.* houses in the liberties at 60 or 70 ; that is to say, I think that by including the whole of the liberties we should add 60 or 70 to the number of voters contained within the boundary proposed in the Report of the Commissioners.

21. That is if you include the 9,000 acres?—Yes, if we include the 9,000 acres.

22. Have you been able to ascertain what are the precise limits of the Gas Company under the local Act?—There are no precise limits ; the commissioners have, I believe, power to extend their assessments as they extend their lamps.

23. Those limits are variable then, and the assessments extended as it may be thought expedient to extend the light in the town?—I think so.

635.

A 2

24. Have

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Captain Gipps.

9 June 1832.

24. Have the commissioners an indefinite power to extend over the county, or only a power to extend it to a certain distance, as in several cases in England, in which they have the power to go to a certain extent and no further; have they a power of going beyond the liberties?—They cannot, I imagine, go farther than their lights go.

25. If they chose to light the whole liberties they might?—There is nothing that I know of to prevent them, but they would find it, I should think, a losing concern.

26. May they go beyond the liberties?—My impression is, they have a discretionary power to go as far as they please, as is the case under the general Lighting Act in Ireland: this in Youghall is, I believe, a particular local Act, which authorizes commissioners in any town to tax themselves without the expense of a separate Act of Parliament. Commissioners under this general Act have a power to extend their assessments as they extend the benefit of their lighting and watching; and I do not think they are limited by any boundary. My reason for thinking so is, that we wished in some places to adopt the boundary fixed by the commissioners, in the idea that the boundary of local taxation and of the elective franchise ought to be the same; but we could not do so, because we found in general the boundary of local taxation not to be fixed. In Sligo there is a fixed boundary of local taxation, and the Commissioners for that reason adopted it.

27. Do you happen to know the fact, whether the liberties contributed in any way to the local taxation of the town of Youghall?—Not to the town: they contribute to the county rates, and to the church rates, I believe, as parts of the parish, but not to the town.

28. The church rates are for the parish?—Yes, for the parish.

29. Now, in what direction do you conceive that the town of Youghall, if it extends at all, is most likely to extend?—For commercial purposes to the north, and in the way of villas or gentlemen's houses to the south, on the new road to Cork.

30. Is it extending there now?—It is extending to the north, but not very rapidly, as may be judged by the fact mentioned in the Report of the Commissioners, that there were only six houses building when the census of 1831 was taken.

31. Does it appear to be in a course of extension to the south?—It is extending itself, but very slowly.

32. Have you, in consequence of any representations which were made to you, prepared a second boundary, rather more extensive than that which you have laid down here?—Yes, I have it here. I have another boundary that I thought of when I was on the spot, but I considered myself not justified in proposing it, because it was so directly contrary to my instructions, which were to include as little as possible of land not occupied by houses.

33. Why is the line from (K) to (D) not drawn continuously, but as so many angles?—I remember being on the point (D), and was anxious to draw that very line, but the point was not visible, nor could I fix on any other intermediate point conveniently. A straight line from (D) to (K) would pass entirely over grass land.

34. Is there any ground to the westward of the proposed line, without this limit (D) and (K), which is suitable for building-ground?—It is suitable for building-ground; there is no natural impediment, but I do not think it likely to be built upon.

35. That is the ground to which you apply your former answer, that you thought it not likely to be built upon?—Yes; and I did not consider my instructions authorized me to take any ground not occupied by houses, unless there appeared a probability of its being built upon within a reasonable time, within the course of some few years, say 30 or 40 years.

36. Do you see any objection to drawing an uninterrupted line (I do not mean a straight one) from (K) to (D), according to your first intention?—I see no objection in the world, except that the points are not visible from each other.

[*The Plan was then put in.*]

37. Is there not a new bridge that has been lately erected over the river to the northward of the town?—Yes, but much beyond our boundary; a mile and a half, I should think, beyond our extreme point.

38. Do

ON DUNGARVAN, YOUGHALL AND MALLOW BOROUGHHS. 5

38. Do you not think, that in consequence of the erection of that bridge the town will extend considerably to the north?—I really think the bridge is too far distant to have any influence, but I have already said that the town, for commercial purposes, will extend itself naturally in that direction.

Captain Gipps.

9 June 1832.

39. Are there not houses at this moment building in that direction?—The six houses that are referred to in the Report as building when the census of 1831 was taken, are within the town itself, and long within our boundary.

40. Do you know where the waste ground is to the northward that has been partly taken in, but not completed?—I cannot say I do.

41. Do you know the end of the street to the northward?—Near the gas-works?

42. Yes?—Yes.

43. Are there not houses building there at this moment?—There were not when I was there, at least I do not remember them; none of any importance.

44. What did you observe to be the preference of county electors, with respect to a town vote or a county vote?—I have frequently put the case to persons in Ireland, representing to them that a town vote would be more influential in the return of a Member than a county vote; notwithstanding which I think I may say that I uniformly found the preference given to the county vote, except in the case of Mallow.

45. How many boroughs are there in Ireland?—Twenty-five, besides the counties of towns.

46. How many of those boroughs have liberties?—I believe all of them have, or nearly all.

47. Are the liberties stated in each case in your Report?—We have given such information as we could collect of them, but we found that the authorities very frequently did not know the extent of their jurisdiction. In most cases it happened that the corporate magistrate was also a magistrate for the county, and therefore the boundary of the jurisdiction was confused. I will read, with permission of the Committee, a passage on the subject from my Report: “ This class, No. 2. (B.) comprises 20 boroughs, in which the right of voting is at present exercised exclusively by the members of their respective corporations. Most of these places have also, by their charters, extensive agricultural districts attached to them, but not in the same intimate way in which the liberties of the counties of cities are attached to the places named in Table (A). Little, if any, community of interest exists between these agricultural districts and the towns; the limits of them are in many cases forgotten, and in fact serve no present purpose whatever. There is no distinction between them and the rest of the county, either with respect to the payment of county cess, or the right of voting at county elections. The jurisdiction of the chief magistrate of the town extends, it is true, over them; but as he is in general also a magistrate of the county, the exact point where one jurisdiction ends and the other begins is frequently not known, and very seldom attended to. As neither residence nor property within these agricultural districts or liberties has hitherto conferred the elective franchise, the Commissioners, following their instructions, have not been in any way influenced by the extent of them, in proposing boundaries within which residence is in future to confer the franchise.”

48. Are you aware of an Act of Parliament passed some three or four years ago, which separated the liberties of the town of Youghall from the town, and added them to the East Riding of the county of Cork, and transferred the jurisdiction to the assistant barrister of the county, instead of the mayor of Youghall?—I remember referring to the Statutes for that Act, to see if it suited my purpose at all; I have no further recollection than that it gave me no information that I wanted.

49. You have stated that you conceive there are in the liberty about 60 or 70 freeholders?—I should think so.

50. Can you tell us what proportion of that number there are or may be between the line first proposed as a limit for the borough, and that proposed in this plan which you have since laid before us?—I speak only from guess: to the best of my belief not more than 10; really I think I put them at the utmost if I say 10; I doubt whether there are more than five.

51. Have you read, in the Reform Bill, that part which relates to the franchise of boroughs?—Yes.

635.

A 3

52. You

6 MINUTES OF EVIDENCE BEFORE SELECT COMMITTEE.

Captain Gipps.

9 June 1832.

52. You remember that the number of freeholders which may be found in a given space, is no guide to the number of 10*l.* householders?—Certainly not; I thought the question put to me related to 10*l.* householders.

53. You think that the enlarged boundary would not make a difference of more than five or six?—If I say 10, I think I speak very much beyond the mark.

54. Are there any special reasons which occur to you why the circumference of the liberty should be given in this case, which do not apply to any other borough?—None at all; certainly none. I will, with permission of the Committee, read what the Mayor of Youghall writes to me on this subject, in his letter dated the 16th February last, the letter of which I have already read part to the Committee:

“ As you ask my private opinion, I freely give it. I do not think any inconvenience would be experienced, or discontent created, by confining the franchise within the town and suburbs only; for, as I before stated, there are several respectable persons residing in the liberties who are registered freeholders for the county, who most probably would not like to relinquish or exchange that franchise for a minor one. Many of them so circumstanced are freemen of the corporation.”

[The witness continued:] I will also, with permission of the Committee, read, a letter from the Mayor of Sligo, which bears upon the same subject:

“ It would add greatly to the respectability of the constituency of the town by including the whole of the line described by the Act of the 43d Geo. 3, as the boundary-line, provided the right of voting will be limited to houses valued at 10*l.* a year and upwards; but if houses and land in the same lease paying 10*l.* a year would give a right of voting, it would be much better to restrict the boundary to the confined circle, as it would establish a worse description of voters than the old 40*s.* freeholders: as the voter would not require to have any profit arising out of his concern, the whole of the circle would be covered with cabins, to which would be attached a small quantity of ground, to raise it to a nominal value of 10*l.* to establish a fictitious constituency; drawing around the town a circle of filth, poverty, disease and discontent, for corrupt electioneering purposes.” This is the opinion of the Mayor of Sligo.

55. Do you know in how many of the boroughs that have liberties, the limits of the liberties are annually perambulated, as they are in the case of Youghall?—I do not think that, of the boroughs I visited myself, there was any other. Wexford used to be perambulated, but they have discontinued it for the last 12 or 14 years. Of the towns I visited myself, I doubt whether there was any other regularly perambulated. Portarlington was not, and Carlow I think was not.

56. Have you drawn a description of this enlarged boundary?—I sketched out a description which I meant to send down to Youghall.

57. Then you have not sent it yet?—I sent it to a friend who is at Clonmel, requesting him to go to Youghall and see whether it would do or not. The day after I had sent it, however, I heard of the appointment of this Committee, and therefore wrote to my friend not to go until I knew the decision of the Committee, but I do not yet know whether my second letter arrived in time to stop him.

58. I think part of the object of the enlarged boundary was to provide for the possible extension of the town on the new road from Cork?—That was Sir John Newport's desire.

59. Is this the new proposed boundary that you say you sent to Youghall?—[A Plan was here shown to the witness.]—Yes, this is what I drew out, and which I sent to the friend I mentioned, who is Captain Wilson, of the Royal Engineers, stationed at Clonmel. The following is a copy of explanation that I sent with the Plan:

“ The new Cork road to be the boundary to the south of the town, from the point (Z), where it leaves the sea-coast, to the spot where it is met by a bye-road that runs over the hill, and joins another road that comes out of the centre of the town, and passes by Mr. Flyn's; if the point of junction (D) is not

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“ not sufficiently defined by this description, it must be fixed by measuring either from Mr. Flynn’s house or from the spot where it quits the road that runs along the brow of the hill from Dr. Weyman’s to the dispensary. From the point (D) we must get in some way to the old Cork road, at any convenient distance, say from 500 yards to 1,000 beyond the barracks; the point to be fixed, if necessary, by measurement from the entrance to the barracks or from the ordnance boundary stone, if there be any on the road. A straight line from (D) to the old Cork road would perhaps be the best that could be drawn, unless any serious obstacles intervene. We next want points on the Mount Uniacke and on the Waterford roads, and these must be taken somewhat farther advanced than the points (O) and (S) are at present. I would say not less than 200 or 300 yards, or more than 500 or 600, beyond the present positions of (O) and (S).”

Captain Gipps.

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I added the following remarks to assist Captain Wilson in laying out the boundary:

“ I am very doubtful about the correctness of the road which I have marked with the letters (in red ink) (A), (B), (C), (D), that is, the road running over the hill; if it exist it will probably answer our purpose, but if it be not suitable, or if it be not existing, then we must do the best we can. Straight lines from one point to another are to be preferred when they can be drawn, that is to say, when the two points are visible from each other. Town-land boundaries may be adopted if they are otherwise suitable and well known, but in general we have made very little use of them, unless in places where they have been fixed by the Irish survey. The points on the new Cork road may, if required, be fixed by measurement from the toll-board, but in such case the measurement must be carried along the centre of it, that is, the centre of the carriage-way. Query: Will the point (Z) be sufficiently defined by calling it the point where the new Cork road quits the sea-shore? If not, it must be fixed by measurement from the toll-board.”

60. Is there any peculiarity in the circumstances of the two boroughs Dungarvan and Mallow, with regard to the right of voting?—There is a peculiarity which I pointed out in my Report under the head of Class 4, Table (D).

“ This table contains two places which were formerly corporate towns, but in which the corporations are extinct and the charters fallen into disuse, the elective franchise having been transferred in some irregular manner (not sufficiently accounted for) to the freeholders within the limits of the manors in which the towns are situate. In one of these towns (Dungarvan) the 5*l.* householders of the town share the elective franchise with the freeholders of the manor; but in the other (Mallow) they do not. As there is no corporate magistrate, there is of course no limit of corporate jurisdiction; but there are limits of elective franchise, viz. the limits of the manor; it became therefore doubtful with the Commissioners whether they could consistently with their instructions recommend any curtailment of these limits, and it may seem perhaps at first sight that they ought to be left in the same state as the boroughs of the last-mentioned class. There is, however, a considerable difference between them, which I will endeavour to explain. In the boroughs of the third class the right of election is in the householders or 5*l.* occupiers, who do not as such vote at elections for the county; but in the two boroughs of the fourth class the elective franchise is in the freeholders, who vote also as such at elections for the county. A second difference, and a very important one, is that the manors lie very unequally round the town, so that a person living at the distance in one direction of several miles from the town may possess a vote for it, whilst others living in the immediate vicinity of the town do not possess a vote.

“ The Commissioners, therefore, in the uncertainty as to what might ultimately be determined on with respect to these boroughs, proceeded, in the first instance, to ascertain their existing limits, and afterwards to draw boundaries round the towns themselves, in the same way as they have done round the corporate boroughs, on the supposition that they were places to which their instructions did not entirely reach; and that it might very probably be ultimately determined to reduce these boroughs, which have

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" been since the decay of their corporate bodies in so anomalous a state, to the same condition in which the boroughs which have retained their corporate rights will be placed by the Reform Bill."

61. Are there any doubts as to the existing boundaries of the manor of Dungarvan?—We have taken great trouble to ascertain them, but I cannot say we have done so correctly. I have letters here on the subject, from which I will read some extracts'; they are from Mr. Jones, a gentleman belonging to Mr. Griffiths' department, which is the department for ascertaining boundaries under the Irish Survey Act; and by two or three of the letters, or extracts from the letters, I shall show the nature of the difficulties that were experienced in ascertaining the extent of the manor of Dungarvan. One letter is dated January the 6th, 1832.

[*The following letter was then put in, and read as follows:*]

" Dear Sir: I have just received your List of Queries, which shall be answered as soon as possible. There is the greatest difference of opinion existing as to the boundaries of the manor. In truth there are scarcely two persons that I have met with (and I have spoken to many on the subject) who agree as to the townlands which comprise it; and in consequence I am of opinion it would not only be desirable, but actually *necessary*, to inspect the registry-books, which lie in the office of the clerk of the peace in Waterford. A Mr. Delambre is deputy-clerk, and would let me see the books on getting an order from Mr. Stanley. I should be glad to hear from you on this head with as little delay as possible.

" As to the making an actual survey of the manor, which I first proposed doing, it is quite out of my power; you must therefore be satisfied with a tolerable sketch. I have procured some maps, which will enable me to give you a pretty good trace of the portion of the manor east of Dungarvan; but the western side I must only make as accurate as I can, having the county map as the basis of my sketch of that portion."

62. Are you aware that boundaries of the manor had been the subject of discussion before at least one Election Committee, in the Irish Parliament?—I was not aware of that circumstance. This is a subsequent letter from the same gentleman, dated three weeks later; he says:

" Every day produces new difficulties in ascertaining the correct boundaries; in fact I think there are many persons here who, under the mask of giving me information on the boundaries, are endeavouring either to mislead or to puzzle me. I am sorry to be obliged to make this assertion, but from the different opinions which I find amongst gentlemen on the subject, I am led to believe that some, from political motives, do not choose to let me into the true state of the case."

63. Do you conceive that the 5*l.* householders on the whole manor of Dungarvan have now a right to vote?—Certainly not.

64. Within what limits are the 5*l.* householders entitled to vote?—The town alone; and in case of a question arising as to what is comprehended within the town, I know not how it could be decided, unless by the seneschal.

65. But the seneschal is no officer of the town, he is the officer of the manor, and therefore how can he make that distinction?—He is the returning-officer; and I suppose that no other person is likely to interfere, in the event of questions arising as to 5*l.* occupants being entitled to vote. I am aware of no other authority than that of the returning-officer or his assessor.

66. Upon what information do you ground the opinion you have given, that the right of 5*l.* householders is confined to the town, and does not extend to the manor?—From the information that I could gather on the spot, I concluded that to be the case; there appears no difference of opinion on the subject. I will read a letter from the clerk of the peace:

" I have had the honour of receiving your letter of the 18th instant, calling on me to furnish you with a return of the number of freeholders registered within the manor of Dungarvan, and also a return of all the inhabitants of Dungarvan who are qualified to vote as 5*l.* householders.

" To

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" To the first of these queries I find no difficulty in making the return
" which you will find at the other side, and which I have made out as nearly as
" I could to the actual number. I have excluded such as I knew to be dead, and
" such whose registries have lapsed, either by the lapse of the life in their lease
" or by time, but among these I give it is also probable that many are dead of
" which I cannot possibly have any knowledge. With respect to the 5*l.*
" householders, it is to me a case of great difficulty to give you anything like
" a certain return of the number now actually capable of voting, for the follow-
" ing reasons: the greatest number of those persons who appear on my books
" to be registered as 5*l.* householders are also registered as freeholders, and
" I would find it impossible to ascertain which of them are so doubly regis-
" tered; and also, that the registry of a 5*l.* householder, provided he resides
" in the same house, continues in force during his life. Without a very inti-
" mate knowledge of the town of Dungarvan it would be impossible for me to
" say how many householders are registered who are not registered as free-
" holders, but my opinion is that there are not 200 now existing so situated.

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" 50*l.* freeholders, 31. Can vote for the county of Waterford and borough
" of Dungarvan.

" 20*l.* freeholders, 43. Can also vote for both county and borough.

" 10*l.* freeholders, 10. Vote for county alone.

" 40*s.* freeholders, 597. Vote for the borough alone.

" 5*l.* householders, in my opinion, will not amount to 200, exclusive of such
" as are included in the above freeholders."

Here are questions which I sent to Mr. Jones, when he went to Lismore Castle for the purpose of obtaining information from Colonel Currie, the Duke of Devonshire's agent. The answers were given under Colonel Currie's direction. One question is: " Is there any document at Lismore Castle to show how the freeholders of the manor came to vote in conjunction with the inhabitants of the town, and the time when they began first so to vote?" This is the answer: " The time that the freeholders of the borough first began to vote with the inhabitants of the town is not known, but there is a poll-book at Lismore, dated 1750, which shows that the freeholders and the potwallopers, (a name given to the inhabitants of the town to distinguish them from the freeholders,) then voted together; and from time out of mind the right of voting seems to have been exercised by them in conjunction. An Act of Parliament, 35 of Geo. 3, did nothing more than regulate the franchise, that is, it raised the potwalloping qualification to 5*l.*"

John Dillon Croker, Esq. called in; and Examined.

67. ARE you a very extensive proprietor within the borough of Mallow?— *John Dillon Croker,
Esq.*
I am heir to a large portion of the borough of Mallow. I have part of the estate at present in my own hands.

68. What quantity of land are you heir to in the borough?—I cannot say exactly, but I believe over 1,000 acres.

69. Have you seen the new limits which are proposed for the borough of Mallow?—I have.

70. Would the entire of that land be excluded from the right of voting within the borough, if those limits be adopted?—The entire.

71. Have those limits been approved or disapproved of generally within the manor?—Disapproved, as far as I can learn; they were not generally known when I was there, and from what I have heard since, they were very much disapproved of.

72. Are there not a great number of houses of a very respectable class immediately close to the boundaries, which will be excluded?—Yes, a number, according to the map I have seen since I came to town.

73. Do you think that in general the present voters of the manor are more anxious to retain their votes for the manor or to be transferred to the county, presuming that they will not have continued to them the double right of voting both for the county and the manor?—I believe they would prefer the vote in the manor to the county in general, but at present we have the double right of voting under the one registry, except the 40*s.* freeholders.

74. Could a 10*l.* freeholder, registered as such, vote for the borough?—No.

635.

B

75. Then

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John Dillon Croker,
Esq.

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75. Then a 10*l.* freeholder must register as a 40*s.* freeholder, provided he cannot do so as a 20*l.* freeholder?—He must.

76. But a 10*l.* freeholder might register for a borough as a 40*s.* freeholder, and in right of the same property register as a 10*l.* freeholder for the county?—He could at present, if he had a 10*l.* interest in it.

77. Would you, as an individual possessing a large property within the borough, wish the entire of your property to remain in the manor, thereby losing your vote for the county; or would you prefer that property to be partly in the county and partly in the manor?—I would prefer it to be partly in the county and partly in the manor.

78. Why?—In the first place I can conceive that it may not be for the good of a new constituency to take the entire of the outskirts in.

79. Are not there two denominations of Upper and the Lower Quarter Town?—Yes.

80. What does the Upper Quarter Town join?—Gurtnegragy.

81. Is Upper Quarter Town within the limits of the present manor?—It is, the entire of it; and so is Gurtnegragy, the part of what is marked on that map.

82. Do you know the boundaries of the parish of Mallow?—I do generally, but not accurately.

83. Is there any tract of land in the parish, but not in the manor, to the north of the Blackwater?—Yes, I think there is.

84. Do you find that part of the parish is placed on this map?—No, it is not.

85. Then there is a considerable portion of the parish outside the manor, which is not in the map?—There is a part, I think.

86. Do you know the quality of the land which composes the extreme part of the manor?—In general the quality of the land is not good. That of Mr. Hawell's property is not good. The Upper Quarter Town, just near the mountain and Gurtnegragy, is not good land.

87. Is not there a mountain marked on the map here, called Knockarora, lying to the south of the Blackwater, within the parish but not in the manor?—There is; I believe it is in the parish.

88. Which would be within the boundaries of the parish which are placed on the map?—Yes. There are none of the lands of Upper Quarter Town in the parish of Mallow near Gurtnegragy.

89. To what parish do they belong?—They belong to the parish of Momnably.

90. And yet they are in the manor?—And yet they are in the manor.

91. Have you any plan to suggest by which, as you conceive, a most independent and respectable constituency would be obtained for the borough?—I have been turning it in my thoughts, and it struck me that not less than a mile Irish measure from the church would take in some of the most respectable, those who had before the first interests in the manor; for instance, it would take in the mansion-house and part of the demesne of my father; it would exactly take in at the other extreme the residence of Mr. Noble Seward, and also, I should think, 23 or 24 respectable persons residing now within that circle, but without the limits that are marked out.

92. Have you any other ground for taking that survey except for the convenience of including a respectable constituency; does it not exclude a considerable part of what is now in the manor, and does it not also include a considerable part not in the manor?—I was going to add, I should have recommended the 50*l.* and 20*l.* freeholders at present in the manor; I have heard it suggested that their votes should be continued to them in the manor; but in taking in this it would include a number of respectable persons at present excluded, which I think would be of great benefit; for in a few years, when the number of 40*s.* freeholders whose right to vote is reserved for life die off, the constituency of Mallow would not be above one half of what it is at present.

93. Do you think it would be an improvement, or do you think it desirable the manor should be left as it is; or would you prefer the plan which you have suggested?—I certainly think the taking in the 10*l.* householders would be a better constituency than the 40*s.* freeholders, provided the limits are extended.

94. I am

94. I am asking you as to the boundaries?—I think the old would be better than the new, if there was a choice between the old and the proposed.

*John Dillon Croker,
Esq.*

95. Do we understand you that you would prefer the old limits of the borough, if by adhering to these old limits you were to lose your vote for the county, rather than to propose limits, if by the proposed limits you were to have reserved to you both your right of voting for the county and for the borough?—By the proposed limits I shall be excluded from the borough, except for life.

96. Your property would be taken out of the limits, but your right would be preserved as long as you possessed the property, that is, for your life; or would you prefer retaining for your life a double vote, and taking the boundaries proposed by the Reform Bill, or adhering to the present limits of the manor of Mallow, and at once losing the vote you now possess for the county?—I think if I was to lose either, I should rather lose the vote for the county.

97. You are aware that the constituency in the towns consist of 10*l.* householders possessed of a house and land, being together of the value of 10*l.*, without reference to the period for which they may be possessed of them; what would be the effect upon the constituency of the manor of Mallow if you were to leave the whole extent of the manor and adopt that constituency?—I think the effect would be the subdivision of almost all the property about, to make freeholders or holders of property of 10*l.*, and in the end it would be very injurious.

98. If there were to be a constituency of the town, would you not think it desirable to draw the limit of the future borough as closely as possible round the space which is occupied by houses?—I think that is a thing that can never occur in the distance that I proposed of about an Irish mile; for that part is chiefly composed of gentlemen's domains, that cannot and will not, I am sure, be subdivided for that purpose; I think it would not have that effect by giving it one Irish mile.

99. But with that constituency you would not recommend the adhering to the whole extent of the present boundaries of the borough of Mallow?—No, I would not, though my family would have the very first interest in the manor, by subdividing the property, ultimately.

100. What objection do you take to the line which is proposed, in point of principle, to the line which is proposed by the Boundary Bill?—I think it excludes a number of those who have a vote in the town of Mallow, and for two reasons: first, that they are the most respectable persons that live outside this boundary, and I think would counteract low 10*l.* householders in Ballidahleen, which is now to be included in the new boundary; secondly, it would make the constituency more respectable and more independent.

101. From what you know of the description of persons who would be within the boundaries as proposed in the Bill, what description of people do you think they would be?—I think that there are many of those 10*l.* householders that may be corrupt, so that no man would be very comfortable who was to be returned by them.

102. Within the proposed boundary, is there anything excluded which can fairly be considered as part of the town or suburbs?—As to the suburbs, I conceive Captain Davis's, and he is excluded, and there are two or three houses adjoining Captain Davis's: Mr. Purcell's is one.

103. Are Mr. Purcell's and Captain Davis's country houses and freehold property?—They are freehold property, I believe, and they are certainly in the country, but adjoining the town.

104. What is the space between Captain Davis's and the nearest house in the first street of the town?—I should think Captain Davis's is not above a quarter of a mile English, and perhaps not quite so much.

105. From your knowledge of the town of Mallow are you able to state what would be the probable constituency of the proposed limit?—I do not think there would be of 10*l.* houses in the town of Mallow, certainly not over 200.

106. What number of 10*l.* houses do you think the whole manor would give, exclusive of the 200 of the town?—I do not think the whole manor would give of 10*l.* houses over 50 in addition. I cannot speak accurately.

107. In estimating this number of 10*l.* householders in the manor, do you include the persons who might under the Bill have a vote as householders, with the addition of any lands and outhouses?—If each person who had a house and land equal to 10*l.* in it had a vote, I think they would be over the present number of freeholders in the manor.

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635.

108. Do

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*John Dillon Croker,
Esq.*

9 June 1832.

108. Do you apprehend that the introduction of that low class of constituency over a large agricultural district would diminish the respectability of the voters?—I should not be glad to see it.

109. What addition to the electors would be made, in your opinion, supposing the proposition made by you, of adopting the mile, was carried into effect?—I looked at a small map, and I reckoned that at present there are but 25 respectable ones, in addition to those of the proposed boundary; but also I have to say, that, in the outlets of the town, land now lets as high as 5*l.* or 6*l.* per acre for building, and the buildings are increasing every year round the town.

110. You mean to say by that, that the constituency as at present would be increased 25, and in course of time it would increase?—Yes.

111. Do you think the rural population would be more corrupt than the town population?—They are bad enough as it is, and it would, I fear, only increase the evil.

112. Do you think it would be worse?—I think the 10*l.* (taking in the whole of the rural voters) would be worse, for they would not be so respectable, taking the average in general.

113. Then I understand you, that your great objection in taking in the whole of the manor is, that it would operate to subdivide land in such a degree that it would be very injurious?—Certainly I do think it would be very injurious. I have seen enough of the ill effects of that before in our country.

Jovis, 19^o die Julii, 1832.

THE RIGHT HON. E. G. STANLEY, IN THE CHAIR.

Mr. John Hudson, called; and Examined.

Mr. John Hudson.

19 July 1832.

114. ARE you the Seneschal of the manor of Dungarvan?—I am.

115. In that capacity are you the returning officer?—I am.

116. Are you the person who has to judge as to the right of voting of the persons who present themselves to vote?—I conceive so.

117. Has that right, on your part, ever been disputed?—Never.

118. In whom do you conceive the right of voting for the borough of Dungarvan is vested?—I conceive it is vested in persons occupying houses of the yearly value of 5*l.*, and in freeholders.

119. As low as 40*s.* freeholders?—Yes.

120. Do you know of any distinction being drawn between the inhabitants of the town, and the inhabitants of the manor at large?—I do not.

121. If a person tendered his vote to you as a 5*l.* householder, resident within any part of the manor, should you feel yourself bound to admit it?—I should.

122. In point of fact, have you ever admitted such persons?—I cannot say in point of fact I have; I cannot bring to my recollection any particular instance.

123. And can you bring to your recollection ever having refused such a person?—By no means.

124. Do you consider the Abbey-side to be part of the town of Dungarvan?—The Abbey-side is divided from the town of Dungarvan by the river Colligen, over which the inhabitants of Dungarvan have to pass by a bridge. With respect to my opinion as to their composing a part of the town of Dungarvan, it appears to me that the inhabitants of Abbey-side have an equal right to vote for the borough and manor of Dungarvan as the people living on the Dungarvan side of the river.

125. What local rates are levied in the town or manor of Dungarvan?—Church and county rates.

126. Are they levied indiscriminately upon the inhabitants of the town and the manor at large?—They are, so far as relates to the parish; there is a portion of the manor of Dungarvan that extends to other parishes.

127. Is

127. Is there any rate for lighting and watching the town of Dungarvan? Mr. John Hudson.
—No.

128. Are there boundaries, which are well known and recognized, that separate the town from the manor of Dungarvan?—Yes, as the question relates to the county rates affecting the town, there are.

129. Do those boundaries include Abbey-side or not?—The town of Dungarvan is rated in proportion to the extent of seven plough lands and a half; and Abbey-side does not compose a portion of what is considered to be those seven plough lands and a half.

130. Then Abbey-side, for the purpose of this assessment, is not considered as a part of the town of Dungarvan?—No.

131. If there was any distinction with regard to the elective franchise between the householders of the town and the freeholders of the manor, the householders of Abbey-side would not be entitled to vote?—I do not conceive there is any distinction.

132. Supposing there was a distinction between the town and the manor, the householders of Abbey-side would not be entitled to vote?—According to the view of the case as I have given it in my previous answer, Dungarvan is rated in itself, subject to the payment of a proportion of county charge equal to an extent of seven plough lands and a half. Abbey-side is a distinct thing; therefore, if the distinction was to be formed upon the principle of the county charge affecting the town of Dungarvan in itself, on that principle, if such was to be the case, then in that case Abbey-side would be excluded.

133. Is there any distinction between the jurisdiction which is exercised over the town and that which is exercised over the manor?—No.

134. Are you the seneschal of the manor?—I am.

135. As seneschal of the manor do you exercise jurisdiction over the town, and are there any persons who exercise jurisdiction over the town who have no jurisdiction over the manor?—There are not.

136. Then in point of fact, except as to parochial assessment, you know of no distinction drawn between the one part of the manor and the other?—I do not.

137. Are you aware the right of voting for the manor of Dungarvan has been the subject of discussion in the Irish Parliament?—I cannot say I am aware of it.

138. You are not aware of any decision having been come to on that subject?—I am not.

139. And if a voter was to present himself before you as a 5*l.* householder, in the exercise of your authority you would feel yourself bound to admit him, even if he were not a freeholder?—Certainly.

140. In any part of the manor?—No matter from what part of the manor he came.

141. Can you at all account why there are not these 5*l.* householders registered for this part of the manor of Dungarvan?—I think I can.

142. Have you ever registered any person who was a 5*l.* householder, who resided out of the town?—I am not the officer whose duty it is to make such registers.

143. Have you admitted any person to vote as a householder, residing in Abbey-side, and not in the town of Dungarvan?—I am not prepared to say that I have or have not, because it was not for me to know where they resided excepting an objection was made.

144. Take this map, and tell the Committee, according to the best of your knowledge, whether these are the boundaries of the manor of Dungarvan?—I have it not in my power to describe the boundaries of the manor of Dungarvan, I know nothing of the boundaries of the manor of Dungarvan but from repute; a difference of opinion has existed with respect to the boundaries of the manor of Dungarvan, which I am not competent to decide upon.

145. Is there any part of the lands there described as being part of the manor of Dungarvan that you would hesitate in issuing a writ against any person under the decree of your court?—There is not.

146. You are not a magistrate of the county?—I am not.

19 July 1832.

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Captain G. Gipps.

Captain George Gipps, again called in ; and Examined.

19 July 1832.

147. DO you wish to give any explanation with regard to any communication which led you to believe that there was a distinction made with regard to the right of voting of the 5*l.* householders of the town and of the manor?—I wish to state that I have written to my co-commissioner, Mr. Duffey, who is at present in Ireland, at Kilkenny, to know if he could explain how the mistake arose; in answer to which I have received from him this day a letter, which I hold in my hand, in which he says, “ I am quite certain (mentioning the authorities of Dungarvan,) I am quite certain they told us it was confined to the town.” I have nothing further to say.

Mr. John Hudson, recalled ; and Examined.

Mr. John Hudson.

148. IT has been stated by one of the Commissioners who was sent to inquire into the boundaries of the town of Dungarvan, that from the information he there received he was led to believe that the right of voting of the 5*l.* householders was confined to those who were within the limits of the town; can you explain how that misrepresentation could have arisen?—When Mr. Duffey and his co-commissioner came to Dungarvan, I believe he handed to me an official letter from Mr. Stanley, requiring me to give him every information in my power, as the seneschal of Dungarvan; I did so; and in the course of my conversation with Captain Gipps, it is not impossible that I might have said, I do not say I did so, but it is not impossible but I might have said to Captain Gipps generally, that the 5*l.* householders were confined to the town, never for a moment intending to convey, nor do I suppose I could have conveyed the idea, by saying that they were confined to the town, that they were precluded from the other parts of the manor.

149. Your meaning then in giving that information would be, that particularly no persons voted as 5*l.* householders, except those that resided within the town?—Generally.

150. By the others chiefly voting as 40*s.* freeholders, you do not mean to convey the impression of allowing the freeholders, and excepting the 5*l.* householders from coming in from any part of the manor?—Certainly not; the reason I said the qualification of a householder is that he resides in a house of the yearly value of 5*l.*, and in general the occupiers of such houses are confined to the town. Persons residing in remote parts of the manor in general do not occupy houses of the yearly value of 5*l.*, and even although they may, it would be their interest to come in as freeholders had they a freehold interest, by which means they should have a double vote.

Mr. Thomas John, called in ; and Examined.

Mr. Thomas John.

151. ARE you acquainted with the town of Youghall?—I am.

152. Have you the plan as drawn by the Commissioners?—I have.

153. Will you look at it near where the red line is drawn, and tell me whether that comprehends the whole of the present town?—It does.

154. Are there any local Acts which make any distinction between the town of Youghall and the surrounding country?—There is an Act of Parliament for lighting and cleansing the town, adopted within the town, to which the country do not contribute anything towards the expense of, and it costs 600*l.* a year for lighting and cleansing the town.

155. Are you certain that the Lighting Act is a local Act, or that the town of Youghall has brought into operation the general Lighting Act?—The general Lighting Act is adopted within the town.

156. The general Lighting Act does not describe any defined limits within which it is intended to apply?—No, that is by the vote of the inhabitants.

157. What persons have a right to vote on that subject?—Occupiers of houses of the value of 5*l.* a year.

158. Within what limits?—Within the proposed boundaries; if you were to light other persons, they would be assessed.

159. If you wished to extend the operation of the Lighting Act either north or south, beyond the existing town, you would only have to take the votes of those persons who are to be subjected to it?—You must by public advertisements

ON DUNGARVAN, YOUGHALL AND MALLOW BOROUGHS. 15.

ments take the votes of those persons in conjunction with the votes of the town?—*Mr. Thomas John.*

160. Is that Act partially carried into effect beyond the old walls of the town?—It is, north and south.

19 July 1832.

161. Are there any circumstances that lead you to believe that the town of Youghall is likely to extend in those two directions, either towards the Waterford Bridge, or along the new Cork road?—The town of Youghall has only two places to extend in, that is either north or south.

162. Do you think it likely that the town will extend up the brow of the hill at the foot of which it stands, beyond the present line of direction?—I do not think it likely.

163. Do you think it desirable to extend the limits from beyond that line to take in an extensive district of country, and add to the constituency of the town?—I do not.

164. You would therefore draw the line as closely as possible to the town on the western side, but extending it rather beyond the limits now proposed by the Commissioners north and south?—Yes.

165. Are you acquainted with the house called Eustace's Folly?—I am.

166. Is that considerably beyond the present limits of the town?—Half a mile.

167. Would you consider the cross-road that comes down in the main Waterford road, just beyond Eustace's Folly, would be a sufficient extension in that direction?—I think it would.

168. Now turn to the other side of the plan, and look at the point where the new Cork road leaves the sea-shore?—I see it.

169. Has the town extended in that direction, or is it likely to extend beyond that point?—I do not think it is.

170. Do you think, if that point was taken as the extreme line of boundary on the south side, it would include as much land as is likely to be built upon for a very considerable period of time?—I am convinced of it.

171. Do you know the situation of the house of Mr. Flynn?—I do.

172. Is that out of the present limits of the town?—It is.

173. Are there any houses beyond that, in that direction, which would serve to increase the constituency of the town if they were included?—Going half a mile further, there would be one house.

174. Do you think that there is any probability of houses being built along the present Cork road, beyond the point at which it leaves the sea?—I do not.

175. What description of land is it on the part towards the south, after you leave the sea?—The lower is turf-bogs.

176. Can you tell us what amount of contribution you think the people residing without the walls of the town pay to the municipal taxes of the town?—There is not 20*l.* paid towards the town; I think not 10*l.*; and I doubt whether 5*l.*

177. You have a fever hospital at Youghall?—Yes.

178. What amount is contributed by the inhabitants of the town towards that fever hospital?—About 160*l.* within the town.

179. When you say the town, what do you mean?—I mean within the boundaries marked out by the Commissioners.

180. Do you find any sums contributed by people without the town to the fever hospital?—There are a few, very few indeed; I believe about 4*l.*

181. Supposing a line to be drawn from the point at which the new Cork road leaves the sea over to the cross line, to the point of Mr. Flynn's house, and from thence as near as possible in a straight line, coming down on the sea-shore beyond Eustace's Folly; would that include land not likely to be built upon for a considerable period?—You will not see it built upon for centuries.

182. What is the nature of the country east that line, and the outer line now drawn on the plan?—All farm ground, arable and pasture land.

183. Containing few, if any, qualifying tenants?—But four or five on the whole of it.

184. Should you see any objection to extending the boundaries to the cross road which you may see running north and south, and falling into the new Cork road?—I think that the new line to start from the southern point on the road to the west of the brook contains about 230 acres, and I do not see how the constituency of the town would be benefited by taking a greater quantity of land.

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16 MINUTES OF EVIDENCE BEFORE SELECT COMMITTEE

Mr. Thomas John.
19 July 1832.

185. When you say 230 acres, do you mean that includes 230 acres of land not at present built on within the town?—I do.

186. Generally speaking, would you think it desirable to confine the boundaries of towns in Ireland solely to the towns, or to extend it to the country about them, in reference to the description of constituency that they would have?—I think, generally speaking, towns of the description of Youghall, that have mercantile interests to protect, should be confined within the certain limits of the town, and not to have the county interfering with it.

187. Are you not guided a good deal in the opinion you have now given by the number of constituents contained within the town, wherever situated?—No, I cannot exactly say I am.

188. Are you of that opinion, if there were but fifty 10*l.* householders in the town of Youghall, that that would be sufficient?—No, certainly not.

189. About how many 10*l.* houses are there?—I think from 350 to 400.

190. You state in this case that a further extension of the boundaries would not add to the constituency?—I cannot say that it would not benefit the constituency, I think.

191. Do you think it would add to the constituency?—I do.

192. What class of constituents would it add?—I cannot answer that; that depends on how the county would be divided, and whether there would not be a creation of votes?

193. What number do you think would be added, taking the number of houses as existing on the land, and divided as it now is?—At present not more than four or five 10*l.* householders.

194. You do not think that there is any probability of this ground being built on, unless it be for the purpose of manufacturing votes?—Certainly I do not.

Lunæ, 23° die Julii, 1832.

EDWARD JOHN LITTLETON, ESQ. IN THE CHAIR.

Mr. Robert De la Cour, called in; and Examined.

Mr. Robert De la Cour. 195. ARE you well acquainted with the situation of the town and manor of Mallow?—Very well.

23 July 1832. 196. And with the neighbourhood?—Yes.

197. Have you before you a map containing the limits of the manor and the boundaries, as proposed by the Commissioners under the Reform Bill?—I have.

198. Do you consider it desirable, for introducing a new constituency under the Reform Bill, that the whole of the manor of Mallow should be included within the boundaries?—I should not think it desirable to include the whole of the manor, because I think that would be liable to the creation of fictitious voters, but I think the limits as marked out by the Commissioners are too restricted.

199. Are you aware that the general principle by which the Commissioners have acted with regard to all the boroughs in Ireland, is to draw the limits as close as possible around those portions connected with the town?—I am.

200. Does it appear to you that the Commissioners have excluded from the town of Mallow any portion which may be fairly so included?—Not of the inhabitants; I do not think it excludes the inhabitants of the town, but it excludes a great many of the respectable inhabitants of the vicinage.

201. Do you not know that the proposed boundaries go even beyond that of the existing manor, inasmuch as it takes in the village of Ballydaheen?—It does.

202. That is not part of the manor of Mallow?—No.

203. In what direction should you recommend any further extension to be made, and upon what should you ground that recommendation?—On considering the subject after I received the summons from this Committee, it occurred to me that the most impartial boundary that could be suggested would be by a circle

Mr.
Robert De la Cour.

23 July 1832.

circle extending perhaps the distance of one Irish mile from one given point as central as could be, and the church would be probably as central a point as could be fixed upon : and the reason that it appeared to me to be advisable to recommend the extension of the boundary was this, that confining the constituency, as recommended by the Commissioners, to so very restricted a portion, I think the candidate would be too much in the power and under the influence of the inhabitants; and it strikes me that to carry the principles of reform most effectually into operation, it would be advisable to protect the candidate from undue influence on the part of the electors as much as possible, and also to guard the electors against any corrupt influence on the part of the candidate.

204. Have you any particular ground for taking the limits at one Irish mile? —It appears to me that one Irish mile would include almost all the respectable residents within the neighbourhood of Mallow ; and by making that a circle in preference to a straight line, it would be a more impartial course than by adopting another, as it might be presumed by taking an irregular course by a straight line, it might be supposed to be an object to give the franchise to those who did not possess it.

205. What number of those would be included, and what additions made to the constituency, by extending it a mile circle? —I have endeavoured to form an estimate, and I think the utmost extent would be from 60 to 100 additional voters.

206. What would be the class of persons amounting from 60 to 100? —Of the most respectable class. I cannot answer as to any fictitious votes that might be created, but the neighbourhood of Mallow I consider to be peculiarly circumstanced in that respect. Mallow itself is not either a commercial or a manufacturing town, and the neighbourhood of Mallow is peculiarly circumstanced with respect to the number and respectability of the inhabitants.

207. Are you aware that in the borough qualification in Ireland all persons are admitted to vote who have a house and ground being together of the value of 10*l.*, and without reference to the tenure under which they hold it? —I am.

208. Do you not think that the addition of a considerable agricultural district to the town would afford great facility for manufacturing fictitious votes? —I think it might be the case in general ; but what would be included within the circle would consist principally of gentlemen's manors, and I think it could not reasonably be calculated upon that they would make fictitious voters on lands so circumstanced.

209. Are you aware that persons occupying houses, who exercise the right of voting in the borough, lose thereby the right of voting which they may have in respect of the same property for the county at large? —I am.

210. Do you consider it desirable that those voters should be taken out of the county and put upon the constituency of the town? —I think it would be a greater object to the respectable inhabitants of Mallow to have votes for the borough than for the county ; I think it would be more desirable for them.

211. Are there any natural boundaries by which you would mark the limits of the borough, supposing it were desirable to take one more extensive than the Commissioners have taken, without having the circle round the town? —I think there are.

212. Do you know Mr. Seward's house? —Very well.

213. Do you know the house occupied by Mr. O'Connor, called Spring Mount? —Yes.

214. Do you think a straight line might be easily drawn between the two? —Very easily.

215. Do you know the Upper Quarter Town Mills? —I do.

216. Would there be any difficulty in taking a line from Mr. O'Connor's across to the Upper Quarter Town Mills, and from thence by Quartertown House to Killetra House? —None whatever; the objects are very distinct ; there could be no sort of doubt about it.

217. From Killetra to Beechmount, and from thence to that point where Mr. Barrett has lately built a garden wall, would there be any difficulty in drawing lines between those points? —I do not recollect the garden. I know the lands of Croaghanearla ; I think it might be very easily marked, and designated from Beechmount.

218. Do you know a small road called the Ballylought road, and the point
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Mr.
Robert De la Cour.

23 July 1832.

where it is met by another small road which has branched off from the Carrig road?—I do.

219. Would there be any difficulty in carrying a straight line between those two points; between Barratt's ground and the termination of that road?—Certainly not.

220. From thence up along the road till it reaches the Carrig road is quite clear?—Yes.

221. From the termination of the small road where it meets the Carrig road across the lands of Carigoon, would there be any difficulty in having a line traced thence to the gate lodge of Eastley?—No.

222. From that point up to Mr. Seward's house would also be easily traced?—Yes, quite easily traced; that terminates the border.

223. Which do you think would be the most desirable boundary of the two, that or the circle of an Irish mile round the church; do you think that the boundary should be drawn from Barratt's garden to the orchards on the lands of Ballyviniter?—The reason I prefer the circular boundary is simply because I think it would be a more impartial one; it would afford less reason to suspect anything like a favouring any one individual.

224. Either the circular boundary or the enlarged boundary which you have now suggested would let in a considerable space of agricultural district, and a number of gentlemen's houses?—It would.

225. And that would include within the town a new constituency?—Some of the gentlemen may have holdings in the town, though I am not aware of it; I believe Major Russel has some holding in the town of Mallow.

226. Do you not know that the extended line would include proprietors of property who would have the same interest in the prosperity of the town as those who reside in it?—I consider so, decidedly.

227. Their principal dealings are connected with Mallow?—I think their prosperity, comfort and interest are materially connected with the interest of the town. I perceive also that this boundary would include my own residence.

228. Which boundary?—Either the circle or the line described before.

229. Not the line described by the Commissioners?—No, it would not give me the franchise; but I have a holding in the town of Mallow, and am entitled to vote.

230. Do you think there would be any facility for making fictitious voters in adopting the circle you have recommended?—I think there would be to some extent, but not to any great extent.

231. You have stated you think there would be an addition of upwards of 60 voters by this extension; would they not be all independent voters, not under the influence of any particular proprietors?—Yes; and it is upon that principle that I think it would be desirable to extend the boundaries, because it would include a constituency very far above corrupt influence of any kind.

232. And would not a portion of nearly every person's property now contained within the manor be included within that circle?—Certainly; there is a considerable manorial property, which I do not see is marked, which belongs to Mr. French, but that is too remote.

233. Do you think this extension of the borough would give very great satisfaction to the people of the town?—I do; I think it would give great satisfaction to the people of the town, and would be particularly agreeable to the proprietors of that property which would be included by those boundaries.

234. What number of constituents do you think would vote under the Reform Bill?—I think they might be estimated at about 300.

235. Besides freeholders who would have their votes during their lives?—Yes.

236. According to your calculation, there would be from 60 to 100 voters who would be included by the line now recommended; how many do you suppose are now freeholders of the manor?—I cannot say exactly; there is my own demesne, there is Mr. Croker's, Mr. Barratt's, and some others who are all manorial voters now.

237. Then most of the voters you propose to include would retain their votes under the Bill with the boundary suggested by the Commissioners?—I think so decidedly.

DUNGARVAN, YOUGHALL AND MALLOW
BOROUGHS.

MINUTES OF EVIDENCE.

Taken before the Select Committee appointed to
consider the Report of the COMMISSIONERS
on the LIMITS of the Boroughs of *Dungarvan*,
Youghall and *Mallow*.

Ordered, by The House of Commons, to be Printed,

24 July 1832.

R E P O R T

FROM THE

SELECT COMMITTEE

APPOINTED TO TAKE INTO CONSIDERATION

THE ACCOUNTS AND PAPERS

RELATING TO THE

CANAL COMMUNICATIONS IN CANADA.

1832.

Ordered, by The House of Commons, to be Printed,
29 June 1832.

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R E P O R T.

THE SELECT COMMITTEE appointed to take into consideration the ACCOUNTS and PAPERS relating to the CANAL COMMUNICATIONS in CANADA, and to report their Observations thereupon to The House, together with the MINUTES of EVIDENCE taken before them, and an APPENDIX.—HAVE examined the Matters to them referred, and agreed to the following REPORT:

YOUR COMMITTEE have examined the Papers referred to them, and some Witnesses, whose Evidence they thought would be of importance.

With respect to the RIDEAU CANAL, The House will recollect, that, according to the Papers presented to Parliament in 1831, the Estimate for that Work amounted to £. 693,448, exclusively of a sum of £. 69,230 for Fortifications, and the purchase of Land. The Money already voted amounts to £. 692,666, leaving a balance of £. 782 to complete the Estimate of 1831.

Parl. Paper,
No. 135, p. 133,
109, 127 & 128.
10 Feb. 1831,

By a Memorandum from the Office of Ordnance, dated May 18th, 1832, it Vide Appendix appears that the total expenditure on the Canal, up to December 31st 1831, was £. 715,408. 15. 6., being an excess of £. 22,742. 15. 6. beyond the Votes of Parliament; and of £. 21,960. 15. 6. beyond the Estimate for the whole Work made in 1831. The present Estimate, as given in the Memorandum just referred to, in the Abstract annexed to it, amounts to £. 776,024. 5. 6., being, £. 83,358. 5. 6. more than the Votes of Parliament, and £. 82,576. 5. 6. beyond the Estimate of last year. If, however, to last year's Estimate be added a sum of £. 69,230, which in the Papers then presented to Parliament was stated to be likely to be required for Defences and Bridges, and the purchase of Land, and if £. 27,750 for nearly the same purposes be added to the Estimate of this year, the two sums will then be, for the Estimate of 1831, £. 762,693, and for that of this year, £. 803,774. 5. 6.; being an excess in the Estimate of this year, as compared with that of the last, of £. 41,076. 5. 6.

It is, however, to be observed, that last year, with respect to the sum of £. 69,230 Report, 1831, p. 6. it was stated, that, with the exception of £. 8,230 for Bridges, it would not be necessary to apply that sum immediately: how far the postponement then recommended has been attended to, your Committee, from the manner in which the accounts are made up, have been unable to determine.

The present Accounts, therefore, show an Expenditure of £. 22,742. 15. 6. beyond the Votes of Parliament; and an Estimate of £. 111,108. 5. 6. beyond the same Votes for the completion of the Canal, and for Expenses and Works stated to be in necessary connection with it. Of this sum, what portion may have been already spent, or even what part of it may be involved in existing contracts, Your Committee have no means of ascertaining with accuracy: they presume, however, that, under the arrangements which still subsist, the Public must be ultimately liable for the payment of the whole; this, of course, supposes that the Contracts shall have been faithfully performed; of their nature and character Your Committee have inserted an explanatory Note from the Office of Ordnance: at

that

REPORT FROM SELECT COMMITTEE

what periods, and after what examination, the payments should be made, must be left to the discretion and judgment of the Government; but whenever the Canal shall be finished, Your Committee think that it would be most desirable to close the Accounts with the least possible delay.

An Estimate, dated 21st June 1832, has been prepared by the Office of Ordnance for the annual maintenance and repair of the Canal, and for the management of the Locks. This amounts to £. 18,799. 1. 6. for the present year, and Your Committee presume that a sum must be proposed for this service on account; as, however, this threatens to be an annual expense, they recommend that immediate steps should be taken to place this charge on a regular and economical footing; and they agree with the Treasury and Colonial Office in thinking, that the Provinces of Canada, to whom the whole of these Works must be most valuable, may be reasonably expected to bear this expense. Those Provinces, they hope, will not be indisposed, for such an object, to come to the assistance of the Mother Country, by whom so large an expenditure has hitherto been exclusively incurred. It appears to be still quite uncertain, and it must be so until the Water Communication from Montreal to Kingston shall be completed, how far any tolls to be collected on the different Canals may or may not be sufficient to keep them in repair, and to support the necessary establishment.

Vide Appendix.

Report 1831, p. 8;
Parl. Papers, Feb.
1831, No. 135,
p. 110, 114, 117.
Vide Appendix.

Ibid.

Report of 1831, p. 8.

With respect to the three Canals on the Ottawa, Your Committee observe, that in 1831 the Estimate for these Works, including £. 54,245 for the enlargement of the Grenville Canal, amounted to £. 285,367. The Votes of Parliament amount to £. 209,099, leaving by the Estimate of 1831 a sum of £. 76,268, still to be provided for. By a Memorandum from the Office of Ordnance, dated June 16th, 1832, it appears, that up to the 31st December 1831, there had been expended upon the Grenville Canal, £. 137,244; on the Carillon Rapids, £. 23,721; and on the Chute-à-Blondeau, £. 9,872; making a total sum of £. 170,837, being £. 114,530 within the Estimate of 1831, and £. 38,262 within the Votes of Parliament. It is now stated in the Memorandum from the Office of Ordnance before referred to, that £. 18,411 will be sufficient to complete these Canals, exclusively of £. 54,245 for the enlargement of a part of the Grenville Canal. There is also an Estimate from the Ordnance Office of £. 23,761 for the expense of the Superintendence and Establishment connected with the Canals on the Ottawa: on this point Your Committee must refer The House to the observations made in the Report of the Committee of 1831.

Your Committee think it due to the Office of Ordnance, under whose directions the Works on the Ottawa have been placed exclusively, to call the attention of The House to the care and economy with which they appear to have been recently conducted, the expenditure of the year having been far within the annual Vote, and various savings appearing in the present Estimates; they therefore do not hesitate to recommend the completion of these Works, with the exception of the enlargement of the Grenville Canal, to which they will presently advert. The Estimate for this purpose has been already stated to be £. 18,411, which, with the money expended up to the 31st December 1831, makes a total of £. 189,248, being a saving on the Estimate of 1831 of £. 96,119, or, if we exclude from the Estimate of 1831 £. 54,245 for the Grenville Canal, a saving of £. 41,822.

	£. s. d.
Rideau	803,774 5 6
Ottawa	spent - 170,837 - -
	Estim. - 18,411 - -
	<hr/>
Establishment	£. 993,022 5 6
	23,761 - -
	<hr/>
	£. 1,016,783 5 6

It results from this statement, that the Votes for the whole of this Water Communication amount to £. 901,765, and that the present Estimates, including the money already spent, amount to £. 993,022. 5. 6. for the completion of the Rideau Canal, and the Canals on the Ottawa, on the scale now existing; this calculation excludes the £. 54,245 at different times proposed for the enlargement of the Grenville Canal, and the expense of Superintendence and Establishment on the Ottawa.

From the evidence of Colonel Durnford, and from past experience, Your Committee fear that the present Estimates will be found insufficient for the Rideau Canal. They are therefore of opinion, that it would be imprudent not to calculate on some excess, though they have no means of estimating its amount; and they doubt whether the expectation held out by Colonel By, of opening the Canal on the 1st of May 1832, has been realized.

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With regard to the enlargement of the Grenville Canal, and the contemplated Works, either at St. Ann's and La Chine, or in the rear of the Island of Montreal, the Committee do not think that any immediate decision need be taken. The Grenville Canal, if it remain at its present size, will not absolutely interrupt the communication, and in the mean time some experience will have been obtained of the sufficiency and durability of the Works already completed. The same observations apply to the proposed Works on the Island of Montreal, with this additional reason for suspending the decision of Parliament, that the Estimates appear, from Colonel Durnford's Evidence, to have been altogether framed by Colonel By; and the Committee, after what has passed with regard to the Rideau Canal, do not think that it would be prudent to rely on their accuracy. They observe, that in the Miscellaneous Estimates on the Table of The House, it is proposed to ask for a Vote of £. 62,500 for the Water Communication in Canada, and they cannot advise the proposal of a larger sum until more full and accurate explanation of the expenditure on the Rideau shall have been obtained. They recommend that the money shall be employed in satisfying existing Contracts wherever they have been faithfully performed; and that in the present state of information and experience on the subject, no Fortifications should be undertaken on the Rideau, nor any further Works proceeded with, either on the Ottawa or the Island of Montreal.

Having now called the attention of The House to various details of Expense, Your Committee are anxious to describe shortly the extent of the Works in question. The distance from Kingston, on Lake Ontario, to By Town, where the Rideau River joins the Ottawa, is stated to be 150 miles; from By Town to the Grenville Canal, 64 miles; making together 213 miles, throughout the whole of which line the Locks and Cuttings are of a size to admit Steam Boats 134 feet long, 33 feet wide, and drawing 5 feet water.

Col. Durnford's Evidence.

From the Grenville Canal to Montreal is 64 miles: all the Locks on the Carillon and on the Chûte-à-Blondeau are of the same size as on the Rideau; but on a part of the Grenville Canal, commenced before the larger scale was adopted, some Locks and a part of the Cuttings will only admit Boats 20 feet wide; the Locks on La Chine Canal (a provincial Work near Montreal) are also calculated for Boats of 20 feet; and the imperfect Work at St. Ann's, described by Colonel Durnford, will not allow the passage of larger Boats. Until, therefore, the Locks on the Grenville Canal and the Works on the Island of Montreal shall be made on the same scale as those on the Rideau, the navigation for Boats above 20 feet wide will be interrupted where the smaller Locks begin; and if larger Boats are used on the Rideau, and on the higher part of the Ottawa, all goods must be unshipped on arriving at the Grenville Canal, and be either conveyed by portage, or removed to smaller Boats. The Estimate for enlarging the Grenville Canal being £. 54,245, and that for making a communication between the Islands of Montreal and Jesus being stated to be £. 117,270, the whole expense of completing this part of the Water Communication would be £. 171,515, if it were probable that the Estimates were accurate. Colonel Durnford states, that though the expense of making a Canal at St. Ann's might be from £. 23,000 to £. 46,000, according to the particular line which was determined upon, yet, that as in that case La Chine Canal must also be enlarged, the passage that way would be nearly, if not quite as expensive, and in all other respects much less eligible, than by the rear of the Island of Montreal. If at any future time the further prosecution of these Works should be thought desirable, The House will have to determine in what way the expense should be provided for; but Your Committee cannot recommend that any Money should now be voted for that purpose.

Your Committee cannot conclude their Report without a strong expression of their regret, that the irregularity, hitherto so much complained of in the conduct of the Works on the Rideau, should have prevailed to a great extent in the course of the last year. The expenditure has much exceeded both the Estimates and the Votes of Parliament; and a considerable delay, not very perfectly explained, seems to have taken place in making this excess known to the Treasury. Your Committee are the more surprised that this should have occurred, as the Treasury Minutes of the 10th of June and 8th July 1831, called the attention of the several departments of Government to the subject, and gave positive directions, which appear calculated

Vide Appendix.

REPORT FROM SELECT COMMITTEE

Appendix.

to remedy the inconveniences complained of. By a Treasury Minute of May 11th, 1832, some restraint is imposed on the application of Money by the Commissary General of Canada. Your Committee have observed this with pleasure, being of opinion, that in Works of this description there is no security against extravagance; and the amount of expense can never be accurately known, unless the annual expenditure be confined within the limits of the annual Votes. In those cases, of rare occurrence, in which a deviation from this principle may be unavoidable, Your Committee believe that the directions contained in the Treasury Minutes above referred to, would secure the Public Service from interruption and inconvenience; they trust, therefore, that the Treasury will not allow the Orders contained in these Minutes to be neglected by any Department, and that they will take care that they are carried into strict and immediate execution; and in conclusion, with a view to place Works of this description under the undivided responsibility of one Department, they suggest the expediency of inserting the Votes for Money in the Ordnance Estimates, and not in the Miscellaneous Estimates.

29 June 1832.

MINUTES OF EVIDENCE.

WITNESSES.

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Veneris, 15° die Junii, 1832.

J. N. FAZAKERLEY, ESQUIRE,
IN THE CHAIR.

Colonel *Elias Walker Durnford*, called in; and Examined.

WHAT situation do you hold at present?—Colonel of the corps of Royal Engineers.

What situation did you hold in Canada?—I was the Commanding Engineer.

How long were you there?—Fifteen or sixteen years.

Were you there when the works on the Rideau Canal were first ordered?—When the works on the Rideau Canal were first ordered, Lieutenant-Colonel John By was sent out as having the command of that work, totally independent of the command I hold in the country.

In what year was that?—1826.

Did you receive any authority to superintend the executions of the works?—I never was considered the executive officer, for my station was between 300 or 400 miles from Colonel By; I only went up occasionally to inspect and give opinions; I had nothing to do with the formation of the plan; I have reported frequently upon it.

When did you leave Canada?—I left Canada last November.

When did you last see the Rideau Canal?—In September last.

That was nearly at the conclusion of the works of that year?—They went on during the winter partly, and the works were very near closing.

Up to what date have you any account on which you can rely of the state of the works of the Rideau Canal?—I have nothing official since I left Quebec in November last.

What do you understand to be the present state of the works?—I understand they are very nearly completed.

State a little more precisely when you expect them to be completed?—I expect they will be completed this summer.

Do you think they are likely to have been completed on the 1st of last May?—I have every reason to think they were.

Have you any knowledge yourself of the sums that have been already expended on the Rideau Canal?—To the best of my recollection upwards of 600,000*l.* had been expended when the last Reports went through my office.

It has been stated, that since December last a further sum of upwards of 60,000*l.* will be required to complete the Canal; have you examined the accounts upon which that sum has been calculated, and have you any opinion as to how far it will be sufficient to complete the works?—I have not yet examined every item, I have examined a few this morning.

Can you give the Committee any opinion which would justify them in coming to any conclusion as to that sum being probably sufficient?—I think from my own

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Colonel
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opinion, and from what I have always reported, that there must inevitably be an excess upon the Estimate.

Will you read a memorandum of Sir Alexander Bryce's, dated 1832, in which you will see that a sum of 60,000*l.* is stated as likely to be required to complete the Rideau Canal, and say whether you have any information to lead you to suppose that that will be sufficient or insufficient?—(After reading the above Letter)—I have no information; the Reports up to the 31st of December last have not been through my hands.

Can you state to what date the accounts of the expenditures of the Rideau Canal passed through your hands?—I cannot speak to the dates.

What is your opinion upon the works of the Rideau Canal?—I consider they are very magnificent works, and done in a most substantial manner.

Do you think it likely that a great annual expenditure will be required to keep them in repair?—There certainly must be a considerable expense in keeping them in repair.

Have you formed any notion of what the extent of that expense will be?—No, sir, I have not at present; I believe Reports have passed through my office, detailing in some measure what would be likely to be the expense; but in a work of that description it is impossible to say, where so much depends on contingency, and floods to which that country is subject.

Do you think it possible, in consequence of the greatness of the floods, and of the nature of the climate, that the works are likely to be exposed to any considerable injury?—I should hope not; from what I have seen I think they are built in so substantial a way, that they are very likely to resist any thing but what is an extreme unforeseen casualty.

Have not some parts been already exposed to the trials of several winters?—Yes, and they have stood remarkably well.

Do you think the great work at the Hog's-back is effectually secured against the recurrence of similar accidents?—To the best of my judgment it is secure now.

Can you give the Committee any notion of what would be the probable expense of keeping the works of the Canal in repair, independent of any extraordinary casualty?—I think very little will be required for repairs for the next two or three years.

Do you think 5,000*l.* a year would cover it?—To the best of my judgment it would.

Has it ever occurred to you that it would be necessary, this being intended as a military communication, that fortifications and works of defence should be erected on the Canal?—Yes, there should certainly be some defence; and I have been instructed to aid in forming some Plans both for the entrance at the Rideau Canal and at Kingston.

Are there any intermediate points in which you would think places of defence necessary?—That has not been taken into consideration yet.

I ask your opinion, as a military man, do you think, in the event of a war with the United States, parts of this Canal would be exposed to sudden injury, unless works of defence were erected at points intermediate between Kingston and By Town?—A provision has been proposed for erecting block-houses at several of the locks; and as there is a considerable extent of country between the Rideau and the St. Lawrence, the population, assisted by a small military force, could keep an enemy at bay in the other parts of the line.

What is the nature of the country generally between the Rideau and the St. Lawrence?—It is a fine country, thickly wooded.

Is it a level country?—You may call it rather a level country.

Are there roads?—There are a few.

Are they easy of access from the American frontiers?—Not very easy at present; as the settlement extends, more roads will probably be made, and the access will then be easier; but at the same time population will increase, and in that respect the means of defence will be better.

But at present, and for some time to come, is not the state of the country, such as in itself to oppose obstacles to incursions from the frontiers?—It is.

Would a small force in a short space of time be able to do such serious injury to any one point as to destroy the whole communication on the Canal?—They might certainly blow up a single lock or ruin the gate; but in that case a portage would be sufficient to keep up the communication for the time.

If

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If the upper gate was to be blown up, might not the pressure be very materially increased on the next gate?—It would derange that nest of locks.

From whom did you receive instructions to prepare any scheme of works for the defence of this Canal?—I received instructions from the present Master General, then Governor of Canada, to prepare a Plan of Defence near the Ottawa River.

When did you receive those instructions?—These last two years.

In consequence of those instructions, what did you do?—Plans have been making, which are not yet submitted.

To what do those Plans apply?—To what is called the eight locks at By Town. Did you also lay any Plan of Defence near Kingston?—Yes.

Did you project any scheme of defence for any of the intermediate points?—None, except the block-houses.

How many block-houses did you propose?—I do not recollect; nearly where every nest of locks were, 18 or 20.

About how many block-houses are already erected?—About one or two.

Where were they executed?—I know one was under execution at Merrick's Mills, and another at a place called Burritts.

Was it proposed in projecting the erection of these block-houses that the block-houses should be devoted exclusively to military purposes, or that they should answer the purpose of a residence for persons having the charge of the locks?—They were intended for both purposes.

Then at all events it would be necessary to erect some buildings in each nest of locks?—Yes, where there are none at present.

Do you imagine there would be a considerable difference in the expense of erecting those block-houses for purposes of defence and residency conjointly, or only for the purpose of residency?—I believe it has been stated by Colonel By that there would be a difference of about 300*l.* at each block house.

Have you formed any opinion as to what would be the amount of establishment necessary for working the Rideau Canal?—I am hardly prepared to say that, because it would require some calculation.

Do you expect considerable traffic to arise on this Canal from the nature of the country through which it passes?—I certainly do; it will increase every year.

Do you expect considerable traffic from the country through which it passes, as well as from serving as a means of communication between the Ottawa and Lake Ontario?—I anticipate there will be a great traffic.

Is not the country through which it passes fit for cultivation, and abounding with timber?—It is.

Do you think it will ever supersede the St. Lawrence as a means of communication between the upper and lower country?—As far as I can judge at present it will.

What is the difference between the tonnage of the vessels likely to traffic on the Rideau Canal, and those which alone can traffic on ordinary occasions down the St. Lawrence?—Double or treble.

What is the size of the steam boats?—The lock is intended to take a boat of 134 feet by 33.

Are you acquainted with the Canals at the Ottawa?—I have occasionally visited them for inspection, as I did those at Rideau.

Are you acquainted with the Grenville Canal?—Yes.

What is the state of the Grenville Canal?—The locks are now completed; but one set of locks are of a different size to the other; those that were first built are of the size of the La Chine Canal, only 20 feet wide; the others that have lately been constructed are of the same dimensions as the Rideau Canal, which are 33 feet.

How many are there of a smaller construction?—Three or four.

Do you consider it to be necessary, in order to continue this navigation profitably, that all the locks should be made of the larger size?—Most undoubtedly.

Are you aware that a sum of 54,000 odd hundred pounds has been given as the Estimate for this work?—I believe it has.

Are you acquainted with the Chûte-à-Blondeau Canal?—I am.

What is the state of the Chûte-à-Blondeau Canal?—It is nearly finished, I believe.

Upon what scale are the locks of the Chûte-à-Blondeau Canal?—The large size; the same size as the locks on the Rideau Canal.

Do you know the Carillon Canal?—I do.

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Colonel
E. W. Durnford.

15 June,
1832.

Are you aware of the state of the Carillon Canal?—Yes, it is in considerable forwardness, and will, I apprehend, be finished this year.

How long do you think it would take to finish the two other Canals at the Ottawa to which you have just referred, the Grenville and the Chute-à-Blondeau?—They will be completed this year, I should think, except the enlargement of the locks on the Grenville

What is the state of the St. Ann's Canal?—It is not yet begun, but small steam boats can pass through a minor channel, where there is a small temporary wooden lock, which is private property.

It being desirable to complete the communication between Montreal and the Ottawa upon a scale large enough to carry the steam boats that are intended to navigate through the Canal, in what way should you think it most desirable to accomplish that object?—I have reported, to the best of my opinion; the navigation should go at the back of the Isle of Montreal, between the Isle of Montreal and the Isle of Jesus.

Do you think it would be more advisable to make the communication in that way, rather than by cutting a Canal to St. Ann's?—Yes.

For what reasons do you think it would be more advisable to do it?—In a military point of view it would be safer in every respect.

But only considering traffic, what should you say?—Even considering traffic by the Rideau and Ottawa, I think it would be best; I think the navigation would be better; there are only four obstructions.

If, on the other hand, you were to propose to conduct the navigation through a Canal to be cut at St. Ann's for steam boats of the size alluded to, would it not also be necessary to enlarge the locks in the La Chine Canal?—Certainly.

There appears to be a letter from you, dated the 2d November 1831, transmitting Estimates for turning the St. Ann's Rapids, which vary in amount from 23,000*l.* to 46,000*l.*; be so good as to account for that variation?—One was keeping on the side of the village of St. Ann's, and the other was conducting it on the opposite side of the river.

Which would be the best mode of executing that work?—I should think on the opposite side; there would be a difficulty even in getting depth of water either way for the large communication.

You also at the same time transmitted an Estimate of 117,000*l.* odd hundred pounds for making the water communication in the rear of the Isle of Montreal; do you believe that sum would be sufficient for that purpose?—I should think it would.

Have you examined it?—I directed the officer who made the Estimate to calculate fully upon it.

Have you reason to rely on the judgment of the officer who made that Estimate?—Certainly. It was Colonel By who made it.

Have you ever examined the river yourself?—I have been at it, and seen it in a cursory way.

Your reason for supposing that sum would be sufficient arises from the reliance you place on Colonel By's judgment?—Yes, and I instructed him to estimate fully upon it.

And notwithstanding the difference in expense as an engineer, you would advise that the Government should order the execution of the water communication by the rear of the Island of Montreal?—In forming that judgment I took into contemplation the alteration of the La Chine Canal.

What would be the expense of altering the locks on the La Chine Canal?—It appears to me it would cost almost as much to alter the La Chine Canal, and to construct locks through St. Ann's, as to carry the communication by the back of the Island of Montreal, and there would be conflicting interests to consider into the bargain.

Could you state the positive advantages that would be derived by going through the River De Prairies?—It would be more shelter in case of war from an enemy; and that you could make one shipment from Lake Ontario all the way down to Quebec.

Have you considered the possibility of executing the whole of the communication between Montreal and By Town, upon the scale of the smaller Grenville Locks?—No; I have always supposed Government intended to make them on the larger scale.

Suppose

ON CANAL COMMUNICATIONS IN CANADA.

Colonel E. W. Durnford.

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Suppose the Government were to entertain the idea of executing the communication between Montreal and By Town upon the smaller scale, would it be possible now, consistently with the state in which the works are at present?—I should think not; because the large locks are nearly finished at every point of the line, except those contiguous to the top of the Grenville Canal.

Could you say what would be the difference of expense in constructing the communication by the De Prairies River for the smaller boats and for the larger boats?—The difference in the expense would be very inconsiderable, because you must have the same dams for a very material part of your work, viz. the dams, and you must raise them to the same height.

Is the only considerable saving which could accrue by constructing the remainder of this communication on the small scale in place of the large scale of the Rideau Canal, the saving in the alteration of the small locks on the Grenville Canal?—There would be a small saving to the extent of the difference in the expense of constructing the locks on the small scale, instead of the large scale.

Having transmitted an Estimate of 117,000*l.* for completing the water communication to the rear of Montreal Island on the large scale, what saving would there be, constructing it on a small scale?—I apprehend the saving would be inconsiderable.

You transmitted Estimates for making a Canal at St. Ann's and a water communication by the rear of Montreal; do you consider yourself to be responsible for the accuracy of those Estimates?—I think I ought to be; going through my office, they are all examined regularly at my office; if I had any doubts of their accuracy, it would be my duty to inquire into and investigate them.

Have you any doubts of the accuracy?—I have not.

Then, in point of fact, you, as the responsible officer, sent these Estimates to the Government, as sums on which they might confidently rely?—Yes, to the best of my judgment.

That responsibility applied not only to the accuracy of the sums, but as to the eligibility of the proposed plan?—Yes.

Whether it should be the one side of St. Ann's or the other side of St. Ann's, that was all equally done on the responsibility of the Commanding Officer of the district?—Yes.

From what period of those works do you consider your responsibility to have commenced?—I do not know whether I am actually considered responsible for the execution; the executive officer is the person who is responsible for that.

How do you consider the responsibility as between Colonel By and yourself, for the general recommendation of parts of this work?—I had little to do with the Rideau Canal; Colonel By was sent out especially to form Plans and Estimates respecting that work, independent of me.

What parts of the work have been under your immediate responsibility?—The whole of those works since handed over to the Ordnance, consisting of Carillon, Chute-à-Blondeau, and the Grenville Works.

When all those works were placed under the control of the chief officer of the Ordnance, was the control of them practically taken away from Colonel By?—They were not.

William Sargent, called in; and Examined.

WHAT situation do you hold?—I have the superintendence of the Commissary Department.

William Sargent.

Are you aware of the manner in which money has been issued to the officers conducting the water communication in Canada?—As far as comes within my knowledge, I have reason to believe that it has been issued in the same way as at the other stations, and at all other Ordnance Boards.

State the way in which that money is issued?—By drafts drawn by the respective officers of the Ordnance at the station, upon the Commissary in charge of the military chest, if the sum is above 5*l.*

By whom are those drafts cashed?—By the Commissary. The drafts are drawn by the respective officers of the Ordnance, in favour of the individuals to whom the money is due, and presented by those individuals to the officers in charge of the military chest, from whom he receives payment.

Does the Commissary, as a matter of course, pay drafts from the officer of the Ordnance to any amount?—I conceive so.

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William Sargent.

15 June,
1832.

Is there no control to any sums so drawn for on the part of the Commissary?—I am not aware of there being any control, as far as regards any positive regulation.

Are the annual Votes of Parliament not communicated to the Commissary, as any control or guidance for his paying those drafts?—I believe not. At the commencement of each year, it is the duty of the Commissary to collect estimates from the heads of the Public Departments, of the expense likely to be incurred throughout the year in such department, and he transmits those to the Treasury.

But if the drafts very much exceed this estimate, the Commissary still honours the drafts?—There is no instance within my knowledge of any such occurrence.

Do you mean that no instance has ever occurred within your knowledge of drafts being drawn exceeding the estimates?—At the beginning of each month, or oftener if necessary, it is the duty of the Commissary to ascertain what are likely to be the demands upon him during the ensuing month, and to provide the funds to meet those demands.

Are the Votes of Parliament, then, no control upon the Commissary?—I conceive not, unless he had special instructions from the Treasury not to exceed that Vote.

Has it been the practice of the Treasury to give such instructions?—I am not aware of it.

In the instance of the drafts drawn by Colonel By upon the Commissary in Canada, his drafts exceeded the sum voted last year by upwards of 22,000*l.* and the Commissary gave money for those drafts; do you consider that he transacted the business in the ordinary manner?—Certainly.

If, besides the sum of 22,000*l.* by the Votes in Parliament, and beyond any estimate which has been submitted, a further sum of upwards of 60,000*l.*, making in the whole a sum of more than 83,000*l.* beyond what had been voted by Parliament, and beyond any estimate which had been received here, had been drawn for by Colonel By on the Commissary in Canada; do you, in these circumstances and in the case of so large a sum, consider the Commissary justified in paying that money?—It depends upon the period within which you confine your question.

Within one year?—At the end of the year I conceive it would have been the duty of the Commissary to have reported that circumstance.

Do you think he should, notwithstanding that, have honoured the drafts?—Yes.

Has the Commissary on foreign stations any discretion in answering or refusing drafts from the officer acting under the orders of the Ordnance Department?—I conceive he has not.

Colonel Ellicombe, called in; and Examined.

*Colonel
Ellicombe.*

CAN you give the Committee a statement up to the last period to which you have received reports of the money expended on the different Canals on the Ottawa?—For the Grenville Canal, the Carillon Rapids, and the Chûte-à-Blondeau, I can, from the documents received from Canada to the 31st December 1831.

Be good enough to do that with regard to each Canal separately?—It appears by a report received to that date relative to the Grenville, that 137,244*l.* had been expended, which, with 775*l.* then in hand, it is understood will complete this Canal, with the exception of widening the locks and banks, for which it is shown by the same papers that 54,245*l.* is necessary. No part of the enlargement has been commenced.

Now the Carillon Rapids?—The Estimate for this work amounts to 45,464*l.*

Is that the Estimate of what remains still to be spent, in order to complete it?—No, of this there had been expended, on the 31st December 1831, 23,721*l.*, which would leave a balance of 21,000*l.*; but in point of fact the work would be executed for 36,244*l.*, which gives a saving of 9,220*l.* on the amount of the original Estimate.

Are you of opinion that, according to the last reports received by the Board of Ordnance, that the Ottawa Canals will be completed on their present scale for the sum now given in as an Estimate?—I have no reason to doubt it.

Now, with regard to the Chûte-à-Blondeau?—The approved estimate for this work was 20,785*l.*; of that had been expended, to the 31st December 1831, 9,872*l.*, which leaves a balance of 10,913*l.*; but by the same papers it appears there will be a saving of 5,800*l.* on the approved Estimate.

What

What is the balance then remaining to complete it, including that saving?—Five thousand one hundred and thirteen pounds.

Is there any other expense connected with the completion of the works in the Ottawa?—Yes, the establishment, the expense of which was estimated at 23,761.; it forms a part of the total already estimated for these works, and must be added to the sums that I have before mentioned.

In what way do you consider the Commissary to be restricted in answering the drafts of an officer under the Ordnance Department on a foreign station?—When the Votes for the Ordnance Estimates are granted, a communication is made by the Ordnance Department to the Respective Officers at each station, acquainting them in the fullest detail the actual amount granted under each head of service, and which they are ordered not to exceed; and this would form the ground of the estimates given to the Commissary Department for the probable wants of the Ordnance Service, if called for by the Commissariat Department.

Colonel
Ellicombe.

15 June,
1832.

APPENDIX.

L I S T.

Appendix.

- 1.—COPIES of EXTRACTS of Correspondence between the Board of Ordnance and Officers under their orders in Canada ; and of any Reports from them since the date of the last Papers presented to The House, respecting the Progress of the Canal Communications in that Country, and the past and prospective Expenditure thereon ; and any Correspondence with the Treasury and Colonial Office on the same subject - p. 15
- 2.—COPY of LETTER from the Secretary of the Ordnance, dated 21st May 1832, respecting the Expenditure upon the Works of the Rideau Canal in Canada ; together with a Copy of the Treasury Minute thereon - - - - - p. 32
- 3.—COPY of Treasury Minute, dated 10th June 1831 ; Letter from the Admiralty, 17th June 1831 ; Ditto, Secretary of State for the Colonies, 29th June 1831 ; Ditto, Ordnance, 5th July 1831 ; Treasury Minute, dated 8th July 1831, upon the subject of giving to Parliament a more early and effectual Control over the Expenditure for Public Works abroad, as recommended by the Select Committee of the House of Commons, appointed to consider the Water Communication in Canada - - - - - p. 36
- 4.—LETTER from Major-General Sir A. Bryce to R. Byham, Esq.; dated 19th May 1832 p. 38
- 5.—MEMORANDUM from Office of Ordnance ; dated 26th May 1832 - - - - p. 39
- 6.—LETTER from the Right Hon. T. Spring Rice to the Secretary of the Ordnance ; dated 9th June 1832 - - - - - p. 40
- 7.—ESTIMATE of the Amount that will probably be necessary, in the year 1832, for the Maintenance, including Repairs, of the Rideau Canal, under supposition that it was quite completed and opened on the 1st of May last ; dated 21st June 1832 - - p. 41
- 8.—ESTIMATE for increasing the Width of the Grenville Canal for Steam-Boat Navigation, making the bottom 40 feet wide, with slope 2 to 1, except in the Rocky situation, there to be regulated by the nature of the Rock ; putting down the three Upper Locks, and re-constructing them of the size of the lower ones - - - - - p. 42
- 9.—STATEMENT of the expenditure on the Ottawa Canals to the 31st December 1831, with the Amount required to complete from that date ; also the Amount of the approved Estimates for those Works, and the probable saving or excess on each, made up from the latest Reports received from Canada - - - - - p. 42
- 10.—NOTE in Explanation of the Contracts for Works carrying on at the Rideau Canal in Canada - - - - - p. 43
- 11.—MEMORANDUMS relative to the Water Communication between Montreal and Kingston - - - - - p. 43
and,
- MAP of the Rideau and Ottawa - - - - - after p. 45

APPENDIX.

Appendix, No. 1.

COPIES or EXTRACTS of CORRESPONDENCE between the BOARD of ORDNANCE and OFFICERS under their orders in Canada; and of any REPORTS from them since the date of the last Papers presented to The House, respecting the Progress of the CANAL COMMUNICATIONS in that Country, and the past and prospective Expenditure thereon; and any Correspondence with the TREASURY and COLONIAL OFFICE on the same subject.

**Copy of a LETTER from the Right honourable T. Spring Rice,
to Viscount Howick, &c. &c. &c.**

MY LORD,

Treasury Chambers, 12th September 1831.

I HEREWITH transmit to you, by command of the Lords Commissioners of His Majesty's Treasury, for the information of Secretary Lord Goderich, Copy of a Letter from the Secretary to the Board of Ordnance, on the subject of the Instructions which have been given to their Officers at Quebec, in consequence of the decision of this Board, that the Lands, Canal and Works of the Rideau Navigation shall be placed in the charge of the Ordnance Department; and My Lords request that Lord Goderich will give Instructions to the Governors of Upper and Lower Canada, and the other proper Authorities in those Colonies, to afford the Officers of the Ordnance all necessary assistance for carrying the intended arrangement into effect. With reference to the last paragraph of the Letter of the Secretary to the Ordnance, in which he submits the expediency of forming some arrangement to prevent that Department from being burthened with the expense of the Rideau Canal, until the Revenues arising from Tolls be more productive, I have it in command to state to your Lordship, that this Board are desirous of having the opinion of Lord Goderich with respect to the practicability of obtaining aid from the Colony for the purposes alluded to. When the vast sums expended on this undertaking from the public purse are considered, it may be fairly expected that till the Tolls of the Canal become productive, the maintenance of a Work of such importance to the Colony should be made a matter of Colonial Charge.

I have the honour, &c. &c.

(signed)

T. Spring Rice.

**Copy of a LETTER from R. Byham, Esq. to the Honourable J. Stewart,
&c. &c. &c.**

SIR,

Office of Ordnance, 29th June 1831.

ADVERTING to your Letter of the 23d November last, communicating the sentiments of the Lords Commissioners of His Majesty's Treasury in regard to certain Lands purchased for the service of the Rideau Canal, referred to in a Correspondence between the Department and that of the Colonial Secretary of State, and notifying their Lordships' decision, that the Lands, Canal and Works of the Rideau Navigation shall be placed in the charge of the Ordnance Department;—

I have the honour to transmit to you herewith, for the information of the Lords of the Treasury, a Copy of the Instructions which the Master General and Board of Ordnance have given to their Officers at Quebec in consequence of this decision; and I am to request you will be pleased to move their Lordships to issue

their directions to the Governors of Upper and Lower Canada, and the other proper Authorities in those Provinces, to afford the above Officers all necessary assistance in carrying the intended arrangement into effect.

The Master General and Board beg leave at the same time to submit to their Lordships' consideration the expediency of some arrangement being formed to prevent the Ordnance Department from being burthened with the maintenance of the Rideau Canal, until the Revenues arising from the Tolls, &c. shall become sufficient to cover the expense.

I have the honour, &c. &c.

(signed)

R. Byham.

LETTER from *R. Byham*, Esq. to the respective Officers, Quebec.

GENTLEMEN,

Office of Ordnance, 29th June 1831.

THE Master General and Board having had under their consideration various Reports which have been received from Lieut.-Colonel By, (through the Inspector General of Fortifications) relative to purchases of land made by him for the service of the Rideau Canal, and having been pleased, on a communication from the Lords Commissioners of His Majesty's Treasury, to sanction Lieut.-Colonel By's proceedings in regard to those purchases, I have it in command to signify the same for your information.

2. I am also directed to acquaint you, that it having been decided by the Lords of the Treasury, that the Lands, Canal and Works of the Rideau Navigation shall be placed in the charge of the Ordnance Department, the Master General and Board desire you will take the necessary steps, in conjunction with the commanding Royal Engineer in Canada, to effect, in a legal manner, the conveyance to the Ordnance of the lands which may have been obtained, conformably with the Act of Legislature of Upper Canada, for the use of the Rideau Canal; and I am to inform you that directions are given to the latter officer to report what further purchases, if any, of land are absolutely necessary to complete this Navigation, and for its defences, according to the provisions of the Act, that orders may in like manner be given for the conveyances still required.

3. The Master General and Board further desire you will investigate and report if any claims are likely to be brought forward by individuals, for remuneration for injury sustained to their lands in the execution of the Canal, to which the Ordnance are liable by the terms of the above Act.

4. And also, that you will report, after communicating with the Crown Surveyor of Upper Canada, whether Government are liable to the execution of any work or any expense not provided for in Lieutenant Colonel By's Estimate of £. 576,757. under the 11th Article of the Rideau Act; and whether the repair of the Bridges and Communications therein contemplated, is from time to time to be executed at the expense of Government; or whether the Bridges and Communications traversing the Canal, after being erected, may not be permanently transferred to the local Authorities, and all further expenses in their maintenance be incurred by them.

5. I am commanded at the same time to desire you will communicate with the Commander of the Forces and the Lieutenant Governor of Upper Canada, and such other local Authorities as may be necessary, as to the several Rates and Dues to be established for Boats, Barges, Steamers and other Vessels or Rafts navigating the Canal, and for the use of any Wharfs or Quays the property of Government. And I am to desire you will report fully on this point; stating your opinion whether these Dues should be farmed out in portions or collected by the Ordnance, or in what manner the whole of the Revenues of the Canal and adjoining Government Lands will be most advantageously collected for the Ordnance, stating any preliminary steps that may be necessary, and when the measure can be brought into operation.

6. The Commanding Royal Engineer in Canada will be instructed to consider and report what mode he would propose for performing, from time to time, in the most efficient and economical manner, and with the least possible delay, all repairs that may

may be required to the Works of the Canal; and the Master General and Board desire you will report, in conjunction with that Officer, and with the concurrence of the Commander of the Forces, what Establishment will be necessary, as well for the collection of the rent and revenues as for the execution of repairs, and the expenses consequent thereon.

7. A communication on this subject has been made to the Lords of the Treasury, accompanied by the Master General's and Board's request, that their Lordships would be pleased to issue their Instructions to the Governors of Upper and Lower Canada, and to the other proper Authorities in those Provinces, to afford you all necessary assistance in carrying the intended arrangement into effect.

8. And I am to add, that Lieutenant-Colonel By will be directed to furnish you with every information you may require in regard to the Lands referred to in the first paragraph of this Letter, and also in respect to all matters relating to the Rideau Navigation.

I am, Gentlemen, &c.

(signed) R. Byham.

LETTER from *R. W. Hay*, Esq., to the Right honourable *T. Spring Rice*,
&c. &c. &c.

SIR,

Downing-street, 24th September 1831.

I HAVE laid before Viscount Goderich your Letter of the 12th instant, enclosing copy of a Letter from the Secretary to the Board of Ordnance, relative to the instructions which have been given to the Ordnance Officers at Quebec, in consequence of the Rideau Navigation being placed under the charge of that Department.

I am directed to acquaint you in reply, for the information of the Lords Commissioners of His Majesty's Treasury, that, in compliance with their request, the necessary Instructions will be given to the Governor of Lower Canada, and to the Lieutenant-Governor of Upper Canada, to afford every assistance which may be required by the Officers of the Ordnance, to enable them to take upon themselves the charge of the different Works connected with the Rideau Canal. You will also please to acquaint their Lordships, that Lord Goderich concurs with them in opinion, that until the tolls upon the Canal may become productive, it is reasonable to expect that the Province should come forward in bearing the burthen of keeping up a work which has cost so large a sum to the Mother Country. His Lordship will accordingly instruct Lord Aylmer, without loss of time, to send down a message to the House of Assembly of Lower Canada, when the Legislature next meets, recommending them to make provision for this purpose; and as Lord Goderich is of opinion that this expense should be equally borne by the two Provinces, similar Instructions will be transmitted to the Lieutenant-Governor of Upper Canada.

This message will necessarily be unaccompanied by any estimate of the expense of these repairs. His Lordship cannot therefore but anticipate some difficulty in inducing the Legislatures of Upper and Lower Canada to enter into an engagement, of the extent of which they have no means of judging; and it would, perhaps, materially conduce to the success of this application, if the Board of Ordnance could supply as accurate a statement as may be possible of the probable amount of these expenses.

Lord Goderich would not have considered it necessary that this application should be made to the Legislatures of the two Provinces, had there been any means of meeting the expense out of the revenues at the disposal of the Crown; but the charges upon that fund are already considerable, and it is proposed to increase them still further by defraying from it a portion of the expense occasioned by the Church Establishment in the Province, which (as their Lordships are doubtless aware) is at present provided in a different manner.

I am, Sir, &c.

(signed) R. W. Hay.

18 APPENDIX TO REPORT FROM SELECT COMMITTEE

LETTER from Viscount Goderich to Major-General Sir John Colborne,
&c. &c. &c.

SIR,

Downing-street, 1st November 1831.

12 September 1831.

I HAVE the honour to transmit to you the Copy of a Letter from the Secretary to the Treasury, inclosing Copy of the Instructions which have been given by the Ordnance Department to their Officers at Quebec, in consequence of the decision of the Treasury, that the Lands, Canal and Works of the Rideau Navigation shall be placed in charge of the Ordnance Department; and in compliance with their Lordships' request, I beg to recommend the Officers of the Ordnance for your support and assistance in carrying the intended arrangement into effect.

With reference to the last paragraph of the Letter of the Secretary of the Ordnance, in which he submits the expediency of forming some arrangement to prevent that Department from being burthened with the expense of the Rideau Canal, until the Revenue arising from the Tolls, &c. shall become sufficient to cover the expense, I am to request that you will recommend to the Assembly of Upper Canada, when the Legislature next meets, to make provision for the expense which, you will perceive by the inclosed Letter addressed by my direction to the Secretary to the Treasury, I am of opinion ought to be equally borne by the Provinces of Upper and Lower Canada.

I am, &c. &c.

(signed)

Goderich.

COPY OF TREASURY MINUTE, dated 7th February 1832.

MY LORDS have read with much concern a Memorandum received from the Board of Ordnance, dated the 3d February, from which it appears that, in addition to the very large sums already voted for the Rideau Canal, a further sum of £. 25,624. 13. 4. is reported by Lieut.-Colonel By to be required for the completion of the Canal. My Lords observe, that no portion of this proposed expenditure has ever received their sanction or been submitted to them. Considering that in the sums voted last year there were included £. 116,691 for errors in the original Estimate, for excess of expenditure beyond that Estimate, and for Works not contemplated or proposed in that Estimate, it is a matter no less of regret than of surprise that this further sum is required.

My Lords observe also, that if the Memorandum laid before the Select Committee in 1831, it was stated that the Rideau Canal would have been opened in that year; it now, however, appears, that the termination of the Works cannot be expected till some period in 1832.

From Colonel Durnford's Letter of 15th July 1831, it also appears that even the additional Sum now required may yet be found inadequate for this service.

Under these circumstances, My Lords are not prepared to sanction any Estimate whatever for Works on the Rideau Canal not submitted to Parliament and the Board, unless the actual and indispensable necessity of such Works is more completely made out than at present: neither could they, under any circumstances, propose to Parliament to grant money upon the Estimate of Lieutenant-Colonel By, whilst Colonel Durnford states that it will be probably found inadequate for the purpose for which it is intended.

My Lords are desirous of knowing when the account of the necessity of this further grant was first received by the Board of Ordnance.

They also request to be informed, whether any expenditure has been incurred, or any contract or liability entered into in Canada for Works on these Canals beyond the amount sanctioned, and if such should have been the case, who are the parties

parties responsible, as My Lords would feel it their duty to take, or recommend instant steps to be taken, should any parties have so far abandoned the principles which My Lords have in a former Minute communicated to the Departments, and on which they are determined invariably to act.

My Lords will not, however, object to proposing a vote for £.50,000 for any portion of the Works already submitted to Parliament, and which are in progress, during the present year, and they desire particularly to be understood as lending no countenance to the additional Works suggested, either for the Canal passing in rear of Montreal, at an expense of £. 117,270 never before submitted to the Treasury or to Parliament, or for the other Plans of Communication with Montréal, suggested in the Memorandum from the Ordnance.

Transmit a Copy of this Minute to the Ordnance, for their early consideration, report and government.

MEMORANDUM, 3d February 1832.

THE total of the Estimate for the Rideau Canal, including errors, excesses and extra Works, upon the Estimate of £. 576,756 submitted to the Committee in Canada, as referred to in a Memorandum from this Office, dated 17th January 1831, amounted to £. 693,448 - -

and this is the total in the Report of the Committee of

The House of Commons :

Of this Amount there has been voted, including the Grant of £. 256,000 in 1831	} 692,666 - -
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Remains to be voted	£. 782 - -
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It is however proper to notice, that since the Estimate for 1831 was submitted to Parliament, and in consequence of the explanation required by the Board's Order of 17th August 1830, on the Extra Services above referred to, a further sum of £. 25,624. 13. 4. is reported by Lieut.-Colonel By to be required for the completion of the Rideau, thus making a total of £. 26,406. 13. 4. to be yet voted for this Canal, which it is recommended should be taken in the present year.

For the Canals on the Ottawa, the total required to complete them, as per Memorandum above quoted, was then, inclusive of St. Ann's Rapids £. 163,029 - -

Of this Sum there was voted in 1830 and 1831	63,000 - -
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Leaving to be yet voted	£. 100,029 - -
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Of which it is considered there will be required in the present year £. 50,000.

RECAPITULATION.

Proposed Vote for 1832, for the Rideau	- - -	£. 26,406 - -
Ditto	- - -	for Ottawa Canals - - - 50,000 - -
		<hr/>
	Total - - -	£. 76,406 - -
		<hr/>

(signed)

C. G. Ellicombe.

APPENDIX TO REPORT FROM SELECT COMMITTEE

PRECIS OF CORRESPONDENCE which has passed relative to the Progress of the RIDEAU CANAL and other WATER COMMUNICATIONS in Canada, since the subject was before the Committee of The House of Commons, in February 1831.

RIDEAU CANAL.

- 8 January 1831. LETTER from Lieut.-Colonel By to the Inspector General of Fortifications, transmitting a Plan of the route of the Rideau Canal, with a section, showing the various lifts of the Locks, the distance between the lifts, and the Sum expended on each Work, from the commencement on the 21st September 1826 to 31st December 1830, reporting the sum that had been expended, and the sum remaining to be expended on the Estimate given to the Committee in Canada in June 1828;—also, reporting the probable time of completion.
- 18 May 1831. Minute on the above, from the office of the Inspector General of Fortifications, to the Master General and Board.
- 21 May 1831. Minute of the Master-General's and Board's Orders on the above.
- 15 July 1831. Letter from Colonel Durnford, the Commanding Engineer in Canada, to the Inspector General of Fortifications, containing a full report upon correspondence which had previously passed on the subject of errors in the original Estimate of £. 576,757, upon the causes of the excess on that Estimate, and upon the nature of the extra Works. Also transmitting a descriptive and progress Report of the Works on each section of the Canal, with an account of Expenditure; Abstract of Lands purchased, the probable sums required to complete each section of the Work, with other details of information, in consequence of the Master-General's and Board's Order of 17th August 1830; and further reporting, that the various works necessary to complete the Canal as ordered, a further increase to the Estimate of the Rideau, of about £. 26,426 beyond the sum before reported by Colonel Durnford (£. 693,448.) will be required, with an intimation that this amount may be found inadequate.
- 9 November 1831. Report of the Inspector-General of Fortifications to the Master-General and Board on the above, upon which no orders have been received in this Office.
Besides the Correspondence here referred to, there have been many Reports received and transmitted to the Board since January 1831; but as they are all chiefly connected with details of accounts, they are not quoted in this Memorandum.

OTTAWA CANALS.

- 2 November 1831. LETTER from Colonel Durnford, Commanding Engineer in Canada, to the Inspector General of Fortifications, transmitting Estimates for turning St. Ann's Rapids, averaging in amount from 23 to £. 46,000; also, an Estimate amounting to £. 117,270 for completing this part of the Water Communication by another line, viz. in rear of the Montreal Island.
- These Estimates are now under examination in this office, and will be shortly forwarded for the Master-General's and Board's order.

(signed) C. G. Ellicombe.

MEM. 3 February 1832.

THE progress of the Rideau Canal appears, by the latest information received in the Office, to be as follows:

The Locks at the Entrance Valley, Hog's Back, Black Rapids and Long Island, in number 15, have been completed, thus opening more than 40 miles of the intended Water Communication from the Ottawa.

The remaining part of the navigation to Kingston will, it is expected, be opened in the course of the present year, when that part called the Rideau Canal, connecting the Ottawa with Lake Ontario, will be completed; and then there will be a continuous steam-boat navigation in Upper Canada of 460 miles, from the Grenville Canal on the Ottawa to Niagara.

On

On the Grenville Canal the three upper Locks were originally constructed upon a small scale, not calculated for steam boats, for which the Rideau is intended; the enlargement of these three Locks is necessary, in order to connect the same scale of navigation. The Estimate for the enlargement of these Locks is £. 54,245; but this has not yet been specifically authorized, although the amount is included in the total of the Report of the Committee of The House of Commons in 1831; pages 109 & 110.

The remaining part of the Canals on the Ottawa, viz. Chute-à-Blondeau and Carillon, will probably be completed in another year, without any expense beyond the Estimates already submitted to Parliament; and when these are finished, with the enlargement of the three Locks on the Grenville, before quoted, the intended navigation will be complete from Niagara to Lake-of-two-Mountains, at the western extremity of Montreal Island.

It will then remain to connect the scale of navigation with the St. Lawrence, either by the proposed works at St. Ann's Rapids, and an arrangement for enlarging the Locks on the existing La Chine Canal, or by obtaining this Water Communication by passing in rear of Montreal by Rivière des Prairies.

This part of the intended Water Communication requires still to be considered, and will shortly be brought under the Master-General's notice, in consequence of a Report and Estimate which has recently been received in this office. The Estimate for passing in rear of Montreal amounts to £. 117,270, on the same scale as the Rideau; but if this is not acceded to, the proposed cut at St. Ann's Rapids will be necessary for this work. Estimates have been received, varying in amount from £. 23,000 to £. 46,000, according to the line which may be adopted.

A Sketch is annexed, explanatory of the points referred to in this Memorandum.

C. G. Ellicombe.

I TRANSMIT for the information and orders of the Master-General and Board the projects which the Commanding Engineer in Canada was directed by the Commander of the Forces to make for connecting the Steam Boat Navigation of the Rideau and Ottawa with the River St. Lawrence.

8 February 1832.

It appears that no orders have been given for altering the three upper Locks of the Grenville Canal in the Ottawa, which were constructed on the small scale, nearly similar to those at La Chine, before the enlarged scale to pass steam boats was determined upon. It is now indispensable, in the first place, that these Locks should be assimilated to the rest of the Navigation, at the expense of £. 54,245. 19. 2. a part of which, it is stated, may be covered by savings on the Estimates, already submitted, for the Ottawa Canals.

This communication also contains Lieut.-Colonel By's Report and Estimate for continuing the Steam Boat Navigation by Rivière des Prairies, in rear of Montreal, on the same scale as the Rideau Locks, at an expense of £. 117,270. 6. 2., or of constructing it on an enlarged scale, at the expense of £. 148,144. 1. 5. 3 and a Report, with Estimates, is likewise transmitted from Lieut.-Colonel Du Vernet, Royal Staff Corps, for a Canal to pass the Rapid at St. Ann's, at the western extremity of Montreal Island, showing three modes of executing the Work, varying in amount from £. 22,950 to £. 46,700, one of which will be necessary, if the Canal is determined upon at this spot, in lieu of passing in rear of Montreal by the Rivière des Prairies.—*C. G. E.* 8 Feb. 1832.

Submit to the Master-General.—*C. T.*

10 February 1832.

Seeing that the Rideau Canal and the Canals on the Ottawa are still unfinished, 16 February 1832. I cannot recommend to His Majesty's Government the incurring of any additional expense for Water Communication in Canada, in the present state of the Finances of the Country.—*J. K.*

Ordered, That a Communication to the effect of the Master-General's Minute be made to Sir A. Bryce; and that Copies of these Papers be sent to the Treasury, in addition to those sent on the 17th instant.—*T. 47.*

T. F. K.

22 APPENDIX TO REPORT FROM SELECT COMMITTEE

ADVERTING to the Statement called for by the latter part of the Board's Minute of the 19th ult., on this Letter from Mr. Stewart relative to the Canals in Canada, which I transmitted with my communication of 23d ult. I have now to report, in reference to the former part of the Board's Minute before referred to, that it appears the Estimate for the Carillon Rapids has been increased from £. 58,000 to £. 72,318, but no final opinion or decision can now be given upon this Estimate, as a further Report is promised by Sir J. Kempt, which holds out the possibility that a less expensive plan may be adopted; and in the mean while the commencement of this work appears to be suspended. I have therefore only at present to remark on any contemplated alteration of this Canal, by aid from the North River, that the Local Authorities in Canada should be instructed to ascertain how far it will affect the interest of private individuals, and thus involve the Government in claims against them.

In regard to the Estimate now transmitted for the Chute à Blondeau, the amount is £. 20,785, instead of £. 11,580 before reported, being an excess of £. 9,205, which is stated to be caused by the rock through which this Canal is entirely cut, proving to be extremely hard and compact, instead of a loose horizontal strata which appeared when the first estimate was prepared, I therefore consider this excess unavoidable. This work appears to be in progress by the Staff Corps.

In respect to the Estimate for the Grenville, there is an excess of £. 3,399 beyond the first Estimate for the completion of this Canal, as transmitted by Sir J. Kempt in February 1828, which is stated to be in consequence of the prices put down in the first Estimate which was prepared by Lieut-Col. Du Vernet being far too low; besides the above, there is now provided for the first time £. 54,245 for altering the three Locks (already constructed in this Canal on the small scale,) so as to correspond with those of the Rideau, and for widening and deepening such parts of the Canal as may require alteration; in regard to which I have only to observe, that this service will be necessary in order to complete the Water Communication on the same scale as the Locks on the Rideau.

This sum includes £. 1,500 for five Bridges to communicate with lands, (about 136 acres) belonging to private individuals, laying between the Ottawa and the Grenville; but this land Sir J. Kempt proposes should be purchased to avoid the expense of constructing and repairing these Bridges, and a further Report is promised respecting the proposed purchase.

The Estimates also provide £. 23,761 for the establishment and entire expense of the two Staff Corps Companies, employed on these Canals from the 25th of June 1829 (when the Companies were transferred to the Ordinance,) to the end of 1832, being the period contemplated for the completion of the Works, provided the necessary funds can be granted. This expense has hitherto not been provided in the Estimates for these Works, but understood to be borne on the Army Extraordinaries, and therefore it may be said to be only a charge of account.

In regard to the Rideau Canal, which is adverted to in the present Papers, I propose to make it the subject of a separate communication, in reference to reports which I have recently received from the Commanding Engineer in Canada.

6th July 1830.

A. B.

IN reference to my Minute of the 6th instant, on a Letter from the Treasury, relative to the Estimate for the Grenville and other Canals carrying on by the Staff Corps in Canada, which was referred for my Report by the Board's Minute of 19th ultimo, also in reference to my Minute of the 15th June on a Letter from Colonel Durnford, relative to the amount of the Estimate for the Rideau Canal, I now forward, for the Master General's and Board's information and orders, the inclosed Report from Colonel Durnford, dated 24th April, and Papers referred to, relative to the Rideau Canal, also a subsequent Letter from the Colonel, dated 10th May last, in continuation of the same subject.

By these Papers (of which a list is enclosed marked O.) it appears that in addition to the expense at present estimated for this Canal, (£. 576,757,) a further sum of £. 116,686 will be required, of which £. 30,134 is the amount of the excess in the execution of the Works already finished, after deducting some savings upon other parts; also £. 2,843, the amount of errors in the original Estimate, and £. 83,714 for additional Works, which it is stated were neither contemplated by Lieutenant-

Lieutenant-Colonel By nor ordered by the Committee of which Sir James Kempt was President, and consequently are not included in the original Estimate for the Rideau Canal.

On these Expenses I have to observe, that an excess of £. 30,000 on so large an Expenditure already incurred (£. 349,000) for work carried on, for the greater part through a country hitherto a wilderness, does not appear extraordinary, but such as might be expected, and Lieutenant-Colonel By has furnished the enclosed Statement marked (B.) showing upon what particular points of the Canal these excesses have occurred.

In regard to the additional Works, which are calculated at £. 83,714, it is much to be regretted that these services were not foreseen and originally provided for. Colonel Durnford states, that the principal item of expense of these additional Works is for waste Weirs at each of the Dams and nest of Locks, the necessity for which became particularly apparent after the failure of the Dam at the Hog's Back: insomuch that it is found necessary that they should be adopted on the whole line of the Canal, and that their beneficial effects have been already satisfactorily proved where executed. I have to observe, there can be no doubt that every precaution should be adopted to prevent accidents to the Dams upon which the efficiency of the Canal will so greatly depend: but I recommend their use to be limited to such cases as both Colonel Durnford and Lieut.-Colonel By consider absolutely necessary. A detailed List, marked (K). No. 5, page 2, of these services is enclosed.

These Expenses (including the errors of £. 2,843 in the original Estimate) will make a total of £. 693,448 for the Rideau.

The Work appears to be in rapid progress, and is expected to be completed in August 1831, if the necessary funds are provided; it may therefore be here proper to add, that the sum of £. 436,666 has already been voted for this Canal, including the grant of 1830, and therefore, according to the present calculation, a further sum of £. 256,777 requires still to be voted for its completion.

Besides the above-mentioned services, there are four others now brought forward for the first time, viz.—

	£. s. d.
22 Blockhouses - - - - -	33,000 - -
Land for ditto, and Defences - - - - -	20,000 - -
Reservoir at By Town - - - - -	8,000 - -
15 Bridges over the Canal - - - - -	8,230 - -
<hr/>	
	£. 69,230 - -

These services do not appear to be commenced, but wait the orders of Government; and although they do not seem to be absolutely necessary for the navigation of the Rideau, yet they are so nearly connected with the Canal, that the possibility of their being ultimately found advisable should not be lost sight of. The Blockhouses, if constructed now, are intended also to lodge some of the Lock-masters, and in this case the Houses provided for them in the original Estimate need not be constructed. The purchase of the land is altogether a part of the expense attending the Defences; the proposed Reservoir is partly proposed for the Canal, and partly for its defence, it being intended to feed the first eight Locks, and also to serve as a wet ditch for the defence of the entrance of the Canal; and some of the proposed Bridges must, I understand, be erected to comply with the conditions of the Rideau Act. On these services I would recommend that the whole should be deferred until the Canal is completed, and until the general question of the Works require for its defence can be considered and finally approved; therefore the Lock-masters' Houses, and a small Reservoir to feed the first eight Locks, which is provided in the original Estimate, should be constructed, and only such of the proposed Bridges as Government is bound to construct by the Rideau Act; a List of which Lieut.-Colonel By should report as soon as possible.

23d July 1830.

2d August 1830.

The Board request Sir A. Bryce to give them his opinion (if the documents now transmitted enable him to form one), on the three several sums here reported on, of Errors, Excess and Additional Works; whether these increases to the original Estimate are satisfactorily accounted for; and if he is unable to form a decided opinion, that he would have the goodness to point out to the Board upon each or either of these items, where the difficulty of forming such opinion lies, and the course which he would advise to be adopted, in order to enable the Board to give the Lords of the Treasury a distinct opinion whether this large increase of the original Estimate is, under each head, satisfactorily accounted for, or whether it appears that any charges of neglect or other blame attaches to the parties concerned.

Of these sums, £. 53,000 is for defences only, and may be entirely postponed, to be dealt with hereafter by the Treasury as a separate question; but some of the 15 Bridges must be performed, and it appears to the Board ought originally to have been calculated upon. The Board request Sir A. Bryce's opinion upon this point, and also whether the Act directs in what time they should be built. The Board likewise wish to know whether Sir A. Bryce is able to form any opinion as to the ultimate probability of the large Reservoir being constructed.

S. P.

A. B.

24 APPENDIX TO REPORT FROM SELECT COMMITTEE

In reply to the Board's Minute of the 2d instant, Sir A. Bryce has to observe, with respect to the errors, amounting to £. 2,843, on the original Estimate handed to the Committee, that Colonel Durnford, in his Letter of the 24th April 1830, paragraph 7, states, that Lieutenant-Colonel By offers no explanation upon these errors; it is therefore necessary that Colonel Durnford should investigate and report upon them before any opinion can be given from this Office.

In regard to the excess and additional Works, amounting to £. 113,848, Colonel Durnford's Letter of 10th May 1830, No. 52, transmits Lieutenant-Colonel By's Statement in explanation, as to how the balance of excesses and sayings produce the several results, making up the total sum of £. 30,143, stated as excess; but although certain quantities and amounts are shown in the Report (K.) the Documents transmitted will not enable Sir A. Bryce to form a decided opinion, whether the increase is satisfactorily accounted for, nor upon the additional Works, and that therefore it appears advisable a reference should be made to Colonel Durnford, who should, on the spot, go into a minute investigation of the several items of Documents, (K.) and particularly report whether the whole of those which had been marked thus *, in red ink, in this Office, were indispensably necessary for the execution of the Rideau Navigation. It is also recommended that Colonel Durnford should transmit a descriptive Report, explaining the nature of the Works at each Station, as embraced in the Estimate of £. 576,000, handed to the Committee, the alterations now executed or proposed, with his opinion on the necessity or expediency of the alterations, showing particularly the causes which have led to the alteration in the use of the Dams, which were originally intended to be themselves waste Weirs, whereas separate Works are now proposed for this purpose, without explaining the reasons of the alteration, nor the maximum heights at which it is assumed that the Dams might answer the double object originally designed; and with respect to the expense of the construction of the Chaudière Bridges and the Toll-house, Colonel Durnford should report the present annual Toll, and what addition may be expected; also, whether there is any Act of Legislature securing to Government the right of Toll.

In regard to the construction of the Bridges at the expense of Government, where the Canal cuts into any highway, Colonel Durnford should communicate with the Crown Lawyers, as to the full intent and meaning of the 11th Article of the Rideau Act, which refers to these Bridges, and after receiving and considering that interpretation, he should communicate with the Surveyor-General of the Upper Province, as to what Bridges Government, under that interpretation, are liable to construct, and then report accordingly, stating the expense, and whether, as the Dams are no longer to be considered as waste Weirs, they may not become Causeways, and by a slight deviation of the course of the Road, serve instead of the Bridges, which would be otherwise constructed; the time at which these Bridges are to be executed, by the Rideau Act, is prescribed to one month after any Road has been destroyed by the construction of the Canal. In regard to the proposed large Reservoir in front of Upper By Town, Colonel Durnford should also report specifically on the necessity or expediency of constructing this Work as regards the Canal, the defences and the health (so far as he can form an opinion) of the immediate vicinity. It will be necessary that Document (K.) should be sent back to Colonel Durnford, who should be directed to return it to England, with the Report and information now recommended to be called for.

11 August 1830.

C. G. E.

LETTER from Lieutenant-Colonel *By*, to Sir *Alexander Bryce*, Inspector-General of Fortifications, &c. &c. &c.

Royal Engineer's Office, By Town, Rideau Canal,
SIR,

8th January 1831.

I HAVE the honour of transmitting, for the information of his Lordship the Master General, and Right honourable and Honourable Board of Ordnance, a Plan of the Route of the Rideau Canal, with a section showing the various lifts of the Lock, the distance between the lifts, and the sum expended on each work from the commencement on 21st September 1826, to the 31st December 1830, from

from which it appears that £. 575,551. 4. 2½. has been expended, and that £. 117,898. 7. 7½. still remains unexpended of the Estimate of £. 693,448. 11. 10½. given to the Committee in June 1828, of which his Excellency Sir James Kempt was President.

I have also the honour to report, from the rapid progress already made towards completing these works; I have every reason to believe the whole will be finished in August next; but as the expense depends in a great measure on contingencies, the extent of which cannot be exactly ascertained, as they chiefly arise from the immense pressure of water, and the periodical sickness, it is impossible for me to report the precise sum that may be required; but at this moment, as far as I can judge from what has occurred in the construction of these Works, I am of opinion that the balance of £. 117,898. 7. 7½. still remaining unexpended of the above-mentioned Estimate, will prove sufficient to complete this Water Communication from the Ottawa to Kingston.

A detailed Report of the expense of each work is now forming, to lay before Colonel Durnford, Commanding Royal Engineers, Canada, to enable him to report on the necessity of each item.

I have the honour to be, &c. &c. &c.

(signed) *John By*, Lieutenant-Colonel,
Royal Engineers Commanding, Rideau Canal.

Forwarded for the Master-General's and Board's information and orders. There is some mistake in the sum here stated by Lieutenant-Colonel By, as the amount of the Estimate laid before the Committee being £. 693,448, no such amount having been given.

It is therefore proposed to call on Lieutenant-Colonel By for an explanation; in the mean time it has been considered proper to report the receipt of this Letter,

18 May 1831.

(signed) *C. G. E.*

20 May 1831.

Submit to the Master General.

(signed) *H. D.*

21 May 1831.

In acknowledging the receipt of this Letter, Sir A. Bryce will inform Lieutenant-Colonel By, that the Estimate given by him to the Committee in 1828, amounted to £. 576,757 only, and not, as he states, to the sum of £. 693,448. 11. 10. That the latter sum is the amount of his supplementary Estimate, given in by him in 1830, which has never been sanctioned by the Government. That the greater part of the money which has been expended, has not yet been voted by Parliament, and that he is on no account to undertake any new work, or to incur any expense in the completion of those now in progress, unless the same should be deemed of pressing importance, and essentially necessary for the due completion and security of the Canal.

(signed) *J. K.*

Ordered, That the directions contained in the Master-General's Minute, be carried into effect,

23 May 1831.

(signed) *H. D.*

EXTRACT of a Letter from Colonel *Durnford* to Lieutenant-Colonel *Fanshawe*, Royal Engineers, &c. &c. &c.

SIR,

Royal Engineer's Office, Quebec, 15 July 1831.

HEREWITH I have the honour to return the Document (K.), transmitted to me for my information and further report; and I have to state, for the information of Major-General Sir Alexander Bryce, that having arranged with Lieut.-Colonel By, who came to Quebec during the winter for that purpose, the mode of affording the information and explanations required, so as to render them as clear and intelligible as possible, I proceeded, as soon after the opening of the Navigation as my other duties would permit, to By Town, and through the whole line of the Canal, accompanied by Lieut.-Colonel By, for the purpose of forming my opinion of the correctness of his statements in the accompanying Documents, as far as the present advanced

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advanced state of the Works would allow me, and, in fact, to make them in a measure my own. The following is a description of the accompanying Documents :—

No. 1, explains the errors in the original Estimate of £. 576,757 handed to the Committee, amounting to £. 2,843, and increasing it to £. 579,600.

No. 2, comprising from No. 1 (K.) to No. 23 (K.) and a Document marked (E.) referred to in page 179 of No. 4 (K.), affords the explanations required on the items of Document (K.), marked * in red ink, in your office, showing the causes of the excess of £. 30,134 on the Estimate handed to the Committee corrected, being the Balance between the savings and excesses on the several Works contemplated and provided for in that Estimate ; and the nature of the extra Works found necessary in the progress of the Work, which were not contemplated, nor provided for in that Estimate, and amounting to £. 83,714.

No. 3 contains a Description and progress Report of the Works on each Section of the Canal, 21 in number, 311 pages, comprising an Account of the Expenditure under the head of Contingencies : a Statement (No. 1.) of Compensation, with Copies of Letters relating to it annexed ; an Abstract (No. 2.) of Lands purchased ; an Abstract (A.), showing the probable sums required to complete each Section, to the 31st December last, in addition to those stated in Document (K.) ; and an Abstract Statement of the Expenditure on each Section up to the 31st December last, and of the sums required to complete them.

No. 4 contains a correspondence on the subject of the Tolls of the Chaudière Bridges, and the construction of the Bridges which Government will be required to erect, where the Canal cuts into any existing or intended Highway, containing the opinion of the Attorney-General of the Upper Province on these points, and the instructions of the Commander of the Forces, in consequence, to bring the subject of the former before him again at the next meeting of the provincial Parliament. I was informed by Lieutenant-Colonel By that the Tolls are at present let for £. 200 a year, and that no increase to that rent is yet expected.

No. 5 contains a Copy of a Letter, and the original document therewith received, which I forward as requested by Lieutenant-Colonel By, to show the difficulties he has had to contend with, affecting the Expenditure and progress of the Work, from the sickness which prevailed throughout the Western half of the Canal.

With respect to the "causes which led to the alteration in the use of the Dams," it was considered, that, if allowed to serve as waste Weirs, as well as Dams, as at first intended, they would from their perpendicular construction in front, be liable, at any height, to have their foundations washed away ; and further, that their tops would also be liable to be injured by the drift wood constantly passing over them, which must be expected in great quantities for many years, particularly during the Freshes in the Spring, and therefore, that it was advisable to construct a waste channel at each Dam.

With regard to the "necessity or expediency of constructing the large Reservoir "in front of Upper By Town, as regards the Canal, the defences and the health "of the vicinity," I have to observe, that as the distance from the Locks at By Town to those at Hartwell is 3 $\frac{1}{2}$ miles, and from the latter to the Hog's Back about 1 $\frac{1}{2}$ mile, it would be difficult to ensure any drainage of the Canal, between the two former by vessels passing between By Town and Ottawa only, or by the leakage of the embankments, being regularly replenished from the still water above the Hog's Back, and that therefore I consider a Reservoir, as near as possible to the head of the Locks at By Town, very desirable ; about six acres have been already formed, and the necessity and expediency of forming the remainder, depend upon various circumstances, as the extent of the leakage of the Embankment, the increase of trade, and particularly the Works of defence decided on, for the construction of which the excavation would be required, and to the strength of which the Reservoir itself would greatly contribute. The land required for this double purpose was originally swampy, but was cleared and has recently been drained into the Canal at the expense of Government, which must, I conceive, have in some degree tended to promote the very healthy state of the vicinity.

It is my duty to draw the attention of Sir Alexander Bryce to the descriptive and progress Report (No. 3.) herewith transmitted, as it details and explains the necessity of various executed or contemplated services therein included, which collectively entail a further increase to the Estimate of the expense of the Rideau Canal, amounting to about £. 26,626 beyond the amount I before reported ; and I think it right to add, that I consider it by no means improbable, that even the amount

amount now contemplated may be found inadequate, though I trust any further demand will be trifling, as the Works are generally so nearly drawing to a close, that some unforeseen accident alone should occasion it. In conclusion, it becomes me to observe, that although Lieut.-Colonel By's Report is dated in January last, having found it necessary to take it back with him for revision, I did not receive it in a shape to forward, until I brought it with me to Quebec on my return from my late tour of inspection, nor could I have forwarded it satisfactorily before I had made the investigation required.

I have the honour to be, &c.

(signed) *E. Durnford, Commanding Engineers, Canada.*

Forwarded for the information of the Board, in compliance with their order of the 17th August 1830, ^E and in reference to their Minute of the 2d August 1830, on my Report of the 23d July, forwarding Colonel Durnford's Letter of 24th April 1830.

It will appear by the present Report, that Colonel Durnford has carefully investigated the several explanations afforded by Lieut.-Colonel By, in respect to the excess of his expenditure beyond the Estimate of £. 576,757, which he handed to the Committee in 1828.

The accompanying Documents contain explanations on each of the points suggested in the Report from my office of 11th August 1830, the correctness and sufficiency of which, as stated by Lieut.-Colonel By in document (K.), are verified by Colonel Durnford's opinion.

I have attentively considered the whole of what is stated, and submit the following conclusion : That the errors in Lieut-Colonel By's Estimate of £. 576,757 are errors of calculation amounting to £. 2,843. (*Vide No. 1.*)

No. 2, containing explanations for No. 1 to No. 23, together with the descriptive and progress Report, are the result of Colonel Durnford's investigation as regards the excesses £. 30,134, and extra Work £. 83,714, reported in Colonel Durnford's Letter of the 24th April 1830; and when it is considered that a work of such magnitude and novelty as the Rideau Navigation, has been carried on, not in a settled country, where all the localities and resources might be intimately known, but pushed on by the greatest exertion, in a new country, with a new establishment formed on the spot, it is not surprising that errors should have arisen, and the Estimates framed in its early stages of progress should have proved insufficient. The explanations have been fully gone into. The expediency of the partial deviations which have been made from the original project could only be ascertained on the spot; but I concur in the principles which have led, as measures of security, to the adoption of waste Weirs; and the consequent enlargement of the Dams, Embankments, and Chamber Wells, the Stop Gates, the occasional Guard Locks, the raising of the level of the Summit Pond, and the straightening the line of Navigation wherever it could be done.

There are some of the excesses which are not satisfactorily explained, viz. an excess of £. 2,099 in lengthening the cut stone Bridge at the Entrance Valley; the allowance to the Contractor of the Materials for taking up masonry, which had to be removed in consequence of the alteration of the size of the Locks; and the extra allowance for parts of the invert Arches from the same cause, and the additional quantity of Masonry at the Hog's Back.

It will be seen in the Document, No. 3, Abstract (A.) that an expense of £. 25,624. 13. 4. is contemplated beyond the amount of £. 693,448. 11. 10*£.* already reported in Colonel Durnford's Letter of 24th April 1830; and Colonel Durnford further states, that it is by no means improbable that the amount now contemplated may be found inadequate; and considering that, although the work was drawing fast to a close when this Report was written, none of the Locks had then been proved, it is very probable that some partial imperfections may be visible, the adjustment of which could not be estimated.

In Document, No. 4, it will be seen, that although the Expenditure in the Chaudière Bridges has amounted to £. 6,165. 12. 9. there is a present income arising from Tolls amounting to £. 200, and which, as the settlement of the country advances (in which these Bridges will essentially assist), may be expected to increase. Amongst these Papers, (No. 4.) will be seen the opinion of the Attorney-General of Upper Canada, that substantial Bridges must be constructed over the Canal whenever a public travelled road shall be crossed by the Canal, in order that public intercourse by means of the then existing roads may not be interrupted. The

amount of expense which will thus fall upon the Government cannot, I conceive, be stated, unless the Surveyor General of the Province shall state distinctly what are the public travelled roads which require such Bridges.

The necessity for the formation of a Reservoir at the head of the Entrance Valley, is shown by this Letter to rest in some degree upon the trade that may eventually be carried on between By Town and the Lower Province. I am therefore of opinion, that the execution of this work may be postponed until the service actually requires it.

A. B.

4th November 1831.

**Copy of a LETTER from R. Byham, Esquire, to the Honourable J. Stewart,
&c. &c. &c.**

SIR,

Office of Ordnance, 20th February 1832.

I HAVE the honour to acknowledge the receipt of your Letter, dated the 7th instant, relative to the further sum of £. 25,624. 13. 4. which it has been stated will be required for the *completion* of the Rideau Canal; and I am commanded to request you will inform the Lords Commissioners of His Majesty's Treasury that the Master General and Board having attentively considered their Lordships' Minute upon this subject, they beg to submit to their Lordships the inclosed Copy of a Memorandum from the Office of the Inspector General of Fortifications, dated the 10th instant, and to explain to their Lordships that the Report and voluminous Documents relative to this matter, have required much time, labour and consideration; but that the result as to expense is stated in the accompanying Abstract (A.) (Copy) which will show that the excesses relate exclusively to Works *contemplated by Parliament in 1831*, as stated in Mr. Tennyson's Letter to Mr. Spring Rice, dated the 4th instant, and are not occasioned by any new Works.

The Master General and Board beg to observe, that had the Lords of the Treasury been pleased to communicate to this Department the Vote of 1831, the Master General and Board would have acted upon the rule to which they uniformly and rigidly adhere, by directing that such Vote should in no case be exceeded; and at any rate they conclude that the Engineers will have acted upon this general practice, if the Lords of the Treasury made the usual communication of the Vote of 1831 to the Authorities in Canada, in terms calculated to check the expenditure beyond the amount of that Vote. I am also instructed to observe, that no orders, either from this Board, or from the Lords of the Treasury, subsequent to the above Vote, could have affected the estimate of this additional expense of £. 25,624, which was framed by Lieutenant-Colonel By in January 1831, communicated by Colonel Durnford's Letter, dated in July last, and received in London in the month of September.

With regard to the *ultimate* expenditure upon the Works contemplated in 1831 for opening the Rideau Canal, I am commanded to state, that the Master General and Board did not collect from any thing which heretofore transpired, that this Vote was to be *final*. On the contrary, it was always stated by this Department, and seemed to be understood on all hands, that a further charge would probably arise. (The Master General and Board here beg to refer to a memorandum dated January 1831, from the office of the Inspector General of Fortifications, and the Report to the Lords of the Treasury therein referred to, printed, page 13 of the Report to the Committee of The House of Commons upon the Rideau Canal in 1831.). Moreover, that in the Report of the Commons' Committee page 7, such further charge is distinctly anticipated. They say, " Some uncertainty seems still " to prevail with regard to the ultimate expense; and they recommend that the " officer superintending the work, shall be instructed to frame an accurate estimate " of what is *still necessary to open the navigation* on the Rideau Canal, and that " this Estimate shall, with as little delay as possible, be submitted to Parliament. " In the mean time the Committee do not object to the vote of £. 256,000, seeing " no reason to imagine it will be *more than enough* to satisfy outstanding claims, " They are induced to recommend the propriety of obtaining an immediate Estimate " of what remains to be done, from an apprehension that *more money may still be required.*"

The Master General and Board beg to submit that such was the tone of all the evidence given, and of all the communications to and from this Department, and of the discussions in Parliament, and, although no communication was made by the Lords

Lords of the Treasury to the Board of Ordnance of the recommendation of the Committee above cited, yet it has in fact been met by the information furnished by the Board's Officers in Canada. That accordingly the Master General and Board were not prepared for the surprize now expressed by their Lordships, but were rather gratified to find that the total excess was only likely to be, by Lieut-Colonel By's Report received in September 1831, £. 25,624, as far as it could be accurately estimated, and that there does not exist any apprehension of more than a " trifling" addition to the expenditure actually foreseen, in order to bring the Rideau Canal to a close.

The Master General and Board beg permission, finally, to remark, that it is of course for the Government to decide whether the whole of the immense outlay already incurred, shall be lost, when the Canal can be opened by means of a comparatively small addition to the charge; and they think it right to state that any suspense of the work, with a view to resumption hereafter, would necessarily increase the expenditure considerably, and render a large portion of the establishment maintained in Canada for this object a dead weight in the mean time.

I have the honour to be, &c. &c. &c.

(signed) R. Byham.

MEM. 10 February 1832.

THE cause of the excess of £. 25,624 on the Rideau Canal, referred to in the enclosed Minute from the Treasury, as also the amount of £. 113,843 for errors, excesses and extra Works before reported, and on which latter the Board, by order of 19th August 1830, called for further information, are explained in the Documents sent to the Board with Sir A. Bryce's Minute of the 4th November last, upon a Letter from Colonel Durnford, dated 15th July 1831; and amongst these Lieutenant-Colonel By has furnished a Document, dated 14th January 1831, containing 311 folio pages, and so detailed that the several explanations are given in more than 500 items of expense, showing in each the amount of the item in the Estimate of £. 576,757 given to the Committee in Canada, the amount expended at the date of the Report, and the amount required to complete; and where the item has required an increase of expenditure beyond the amount stated in the Estimate of £. 576,757, explanation is given. To detail these particulars in this Minute would be only a repetition of Lieutenant-Colonel By's Documents, the whole of which must be perused by those who wish to be fully informed upon the subject, but the result is, as to expense, shown in an Abstract (A.), one of the Papers referred to by Lieutenant-Colonel By, by which it appears, that after allowing £. 32,857. 17. for savings on some of the Works executed, or not required to be executed, and provided for in the original Estimate, there is an excess of £. 25,624 beyond the total of £. 693,448 before reported; and in closing this Report Lieutenant-Colonel By states as follows:—

" I beg in conclusion to remark, that the original Plan and Estimate were formed from as correct data as could be obtained during the period that the woods and swamps were uncleared, and in consequence of their almost impenetrable nature; many of the surveys required had to be taken during the severity of a Canadian winter; and when these circumstances are taken into consideration, with the additional fact that from the country being so extremely unhealthy, nearly all my Officers, Clerks of Works and Overseers, have suffered from repeated and severe attacks of sickness, caught whilst in the performance of their respective duties, it will not, I think, appear so much a matter of surprise that the Plans and Sections have in some instances proved to be incorrect, as that so few errors have taken place."

The foregoing Document forms a portion of those recently called for by The House of Commons.

In regard to the period now fixed for opening the Canal, a delay on which the Treasury requires explanation, it can only be stated, that the time first named was generally considered very limited; and when it is remembered that sickness and unforeseen casualties have operated to retard completion for a short time, yet the Work, as a whole, may be said to have been executed most rapidly; besides, a considerable portion of the Line was opened in the Autumn of 1831, and measures then taken to reduce the Establishment, by withdrawing some of the Officers employed on the Work,

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and the two Companies of Sappers and Miners, which have now been carried into effect.

In regard to the question from the Treasury, as to the period when the Report in question was received by the Ordnance, I have to state, that it was received in this Office on the 3d September; and after it had been fully gone into, and the numerous detailed Documents, having reference thereto, duly examined and fully considered, the whole were forwarded to the Board, with Sir A. Bryce's Report of 4th November last.

In reply to the Board's question, as to what communication has been made to Canada regarding the Vote of 1831, I have to observe, that no official communication has been made to this Office of the Vote being granted, and consequently no communication has been made to Canada from hence; indeed, as the Vote is taken by another Department, and not by the Ordnance, it is to be presumed, that that Department may have made the necessary communication to the Ordnance, or proper Authorities in Canada, with a view to check the issuing of any sums beyond the sum voted; such is the usual course for Works voted by the Ordnance, although such communications are made by the Board direct to the respective Officers at the Station, and not to this Office, further than the Master General and Board's Orders upon the Annual Estimate, which are reported on from this Office to agree with the Votes which the Board notify their intention to propose to Parliament.

In reference to that part of the Treasury Minute, wherein information is required whether any expenditure, &c. has been incurred beyond the amount sanctioned; it appears by Lieutenant-Colonel By's Report of 14th January 1831, that the total expenditure at that period was £. 585,980, which falls short of the Votes for this Canal by the sum of £. 106,686, and this amount has therefore been available for the progress of the Canal for the year 1831; but it cannot now be stated from this office, nor, it is presumed, without reference to Canada, whether this sum has been exceeded, or what liabilities the Government are now under to meet existing contracts, although it may be observed that by Lieutenant-Colonel By's Report above quoted, he states that "he has every reason to suppose that £. 25,624 in addition will prove sufficient;" but this is exclusive of £. 782 which remains to be yet voted on the total of the Estimate before submitted to Parliament.

10 Feb. 1832.

(signed) C. G. E.

COPY OF TREASURY MINUTE, dated 11th May 1832.

MY LORDS read the Letter from the Secretary of the Ordnance, dated 20th February 1832, containing the Observations of the Master General and Board, in reply to the Minute of My Lords of the 7th of February, upon the subject of the further additional Estimate then for the first time communicated to this Board, of £. 25,624 for the Rideau Canal.

My Lords resume the consideration of the former Papers upon this subject.

In that Minute, My Lords expressed their concern, that, in addition to the very large sum sanctioned by this Board and by Parliament, as an excess of the original Estimate of Lieutenant-Colonel By for these Works, they should be called upon to provide a further sum of £. 25,624, and that they should be left in doubt whether even that amount would be sufficient to cover the expenditure, Colonel Durnford having expressed some hesitation upon the subject.

My Lords also requested to be informed when this additional Estimate was received in this country, and whether the expenditure upon the Canal had exceeded the amount granted by Parliament for the purpose.

It appears from the explanation of the Master General and Board of Ordnance, that the Papers which show that this further sum of £. 25,624 will be required, were prepared by Colonel By, in the month of January 1831, and were transmitted from Canada to this country by Colonel Durnford on the 15th July 1831, and that they were received in this country in the month of September.

When My Lords consider that so large an exceeding as £. 116,691 had been already sanctioned by Parliament, they cannot but regret that they should not have been apprized that a further expenditure would be required to complete the Works upon the Canal, because they would, if informed of that fact, have been able to have procured further information before they could be required to prepare an Estimate for Parliament on account of the Canal.

This

This information is the more necessary on account of Colonel Durnford's observations, it appearing from his statement to be by no means improbable that a still further sum may hereafter be applied for; and, My Lords, although they cannot avoid submitting an Estimate for the Rideau Canal to Parliament, will suspend any issue thereon, when voted, until they shall be able to ascertain precisely the whole amount that can be required for the completion of the Works.

With respect to that part of the Letter from the Ordnance which relates to the expenditure of 1831, My Lords are of opinion that there was no necessity for any communication to be made from this Board of the amount voted by Parliament for the purpose. The Votes of Parliament are of themselves sufficient intimation upon the subject, and it appears to My Lords to be the duty of the respective Departments to take cognizance of the Votes for all Services conducted under their direction, and to issue proper instructions upon them.

My Lords consider that it would not have come within the scope of their duty, to have entered into any communication upon the subject with the Ordnance Officers in Canada, it not being the usage of the Board of Treasury on any occasion to give instructions or directions to any of the Ordnance Officers, except through the Master General and Board.

It has been the constant desire of My Lords, in communication with the several Departments of the State, to prevent any possible exceeding of the Estimates voted by Parliament, as was explained by their former Minutes; and if it shall appear that any exceeding has again taken place in Canada, in this case, My Lords are of opinion that a very serious responsibility will have been incurred by the parties concerned. My Lords trust, however, that no such exceeding has taken place, since My Lords perceive that the expenditure had fallen short of the Votes to the close of 1830 by the sum of £. 106,686; and although it is stated in the Letter of Commissary-General Routh that an Estimate had been transmitted to him contemplating an expenditure of £. 88,000 from March 1832 to complete the Canal, My Lords, in the absence of any statement of the actual expenditure to the close of 1831, are willing to hope that that amount formed part of the sum of £. 106,686 unexpended at the commencement of the year, and of the additional Estimate of £. 25,624 now before My Lords.

With respect to any issues upon that Estimate, My Lords are not called upon to give any directions without further and more specific information; but it is satisfactory to My Lords to perceive that it has not been prepared with a view to any additional works, but appears, so far as My Lords can now judge, to have been framed to meet some additional expenses upon works already sanctioned.

In the mean time should Parliament place £. 50,000 at the disposal of His Majesty, on account of the Canal Communication in Canada, My Lords will authorize the Commissary General in Canada to apply, in the course of the year 1832, to that expenditure, such a sum as may not allow the expenditure for the years 1831 and 1832, to exceed £. 156,686, viz., the balance of former Grants unexpended at the beginning of 1831, and the amount of the proposed Grant for 1832, the sum of £. 25,624 to be however reserved till further directions.

My Lords however desire that in making this communication to the Commissariat Officer, he may be specially enjoined not to pay any sum whatever which will occasion an expenditure for the two years greater than the sum above mentioned, and also, that he will make no payment whatever for this service, except upon Drafts or Accounts specifically stated to be for this service.

Request the Board of Ordnance to lay before My Lords with as little delay as possible, an Account of the total Expenditure for this service during the year 1831, and to the latest period to which it can be carried forward.

Transmit Copy of this Minute to the Secretary of the Ordnance for the Master General and Board's information, and for the government of their Officers in Canada, and request they will issue Instructions to their Officers in Canada not to draw for money for this Service upon the Commissariat Officers for any sum beyond the amount stated in this Minute, until further authority from hence has been received, and to state on the face of all their drafts for this Service, that the money is required for the Canal Communications in Canada, distinguishing whether such expenditure is for the Rideau Canal or for the Canals on the Ottawa.

Transmit Copy of this Minute to Commissary-General Routh.

Appendix, No. 2.

Copy of LETTER from the SECRETARY of the ORDNANCE, dated 21 May 1832; respecting the EXPENDITURE upon the WORKS of the RIDEAU CANAL in Canada; together with a Copy of the TREASURY MINUTE thereon.

LETTER from *R. Byham*, Esq. to the Right hon. *T. Spring Rice*, &c. &c. &c.

SIR,

Office of Ordnance, 21st May 1832.

REFERRING you to my communications of the 17th and 20th February last, transmitting various Documents connected with the progress of an Expenditure upon the Works of the Rideau Canal;—

I have the honour, by command of the Master General and Board of Ordnance, to forward to you, for the purpose of being submitted to the Lords Commissioners of His Majesty's Treasury, a further Letter from Lieut.-Colonel By on the same subject, to which is annexed a Report from the Inspector General of Fortifications, dated the 18th instant; and, as the Papers accompanying the said Letter are extremely voluminous, and would occupy a considerable period in copying, the Master General and Board, in order to save time, are induced to send the same in original, with the Board's request that they may be returned as soon as they can be conveniently spared; and if it should be their Lordships' desire to be furnished with Copies of those Documents, the Master General and Board will order the same to be prepared, on receiving back the Papers, with a notification of their Lordships' wish to that effect; and with any further communication which their Lordships may consider it necessary to make to this Department on the subject in question.

I have the honour, &c. &c. (signed) *R. Byham*.

LETTER from Lieut.-Colonel *By*, Royal Engineers, to Colonel *Nicolls*, Commanding Royal Engineers, Canada.

Commanding Royal Engineer Office,
Rideau Canal, 27th Feb. 1832.

SIR,
NO Notifications having been made to me, that my progress Report to the 31st December 1830, forwarded through Colonel Durnford, Royal Engineers, has been received by the Inspector General of Fortifications, I have the honour of forwarding a Duplicate of the same for the information of the Master General and Right honourable and Honourable Board, with additional sheets, showing the amount expended to the 31st December 1831, and the sum required to complete the Canal; also, an Abstract (Z.), exhibiting the Total Expenditure from the commencement of that work to the 31st December last, and the amount which will be required during the present year to complete the Water Communication; and I fully expect that the Canal will be opened throughout its whole extent by the 1st May next.

I have, &c.

(signed) *John By*, Lieut.-Colonel, Royal Engineers.

—No. 20.—

Received on 12th March, and forwarded on to the Inspector General of Fortifications.

(signed) *Gustⁿ Nicolls*, Colonel,
Commanding Royal Engineers, Canada.

Forwarded for the information of the Master General and Board, with reference to my Minute of the 4th November last, forwarding Colonel Durnford's Report of 15th July 1831.

It will be seen, by a perusal of the present communication, that Lieut.-Col. By, when he wrote this Letter, contemplated the completion of the Rideau Canal by the first of this month; and it appears by the Abstract (Z.) that the expenditure up to the 31st December 1831, was £. 715,408. 15. 6., being £. 22,742. 15. 6. more than has been voted by Parliament; and that a further sum of £. 60,615. 10. would probably be expended for the completion of the Canal, making a total of £. 776,024. 5. 6. and an excess of £. 83,358. 5. 6. beyond what is already voted by Parliament. I have however to observe, that this amount only provides for the Civil and Military Establishments, up to the date of the contemplated completion of the Work. It is therefore probable there will be a further excess on this Item (23.)

Columns

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Columns 9 and 10 show the expected saving and excess on the respective Items of the Estimate of 31st December 1830. I have marked opposite each sum in those columns, the number of the page in the annexed copy of Lieut.-Col. By's Report of 14th January 1831, where his detailed explanations of the causes of these Savings and Excesses may be found.

The Sums stated necessary for Blockhouses and Land Defences (£. 27,750) included in the Abstract, do not form a part of the Canal Work, and therefore I conclude, from Lieut.-Col. By's explanations, will not be expended until further orders, although I apprehend that the total now stated (£. 803,774. 5. 6.) will eventually be required for the completion of the Canal with Bridges and Block-houses.

18th May 1832.

A. B.

19th May 1832.

Ordered, That these Papers be immediately sent to the Treasury, being previously submitted to the Master General.

T. F. K.

21st May 1832.

Approved. J. K.

Copy of TREASURY MINUTE, dated 25 May 1832.

MY LORDS have under their serious consideration the Letter from the Secretary of the Ordnance of the 21st instant, transmitting to this Board a Letter from Colonel By, of 27th February 1832, accompanied by various explanatory Documents and Accounts, upon the subject of the Expenditure on the Works at the Rideau Canal to the close of 1831, and of that required to complete the Canal, the opening of which was expected to take place in the course of the present month.

My Lords will take into their future consideration these voluminous Accounts and Papers; but they cannot delay expressing their opinion to the Master General and Board of Ordnance on the conduct of Colonel By in carrying on this Work. It appears from that Officer's Letter, and from the Report of the Inspector General of Fortifications thereon, that Colonel By had actually expended to the close of the year 1831, £. 715,408. 15. 6., being £. 22,742. 15. 6. more than had been granted for this Work by Parliament; and that, without waiting for any authority from this country, he has gone on during the present year with a further Expenditure, entirely unsanctioned, and which it is stated will probably amount to £. 60,615. 10., making an excess of 83,358. 5. 6. beyond the amount granted by Parliament. The Expenditure which was contemplated for this Canal, when the subject was immediately under the consideration of the Select Committee of the House of Commons in 1831, and the whole Expenditure for which any order has at any time been given by any competent authority, is £. 693,448., exclusive of £. 69,230. for Blockhouses and Works of Defence not sanctioned. In order therefore to complete the Work, Colonel By has, upon his own responsibility, thought proper to expend no less than £. 82,576. My Lords assuming from these Papers that the Work has actually been carried on to its completion, since the date of Colonel By's Letter of February last, and that the expense has not been less than the sum at which he then calculated it.

It is impossible for My Lords to permit such conduct to be pursued by any public functionary. If My Lords were to allow any person whatever to expend with impunity, and particularly after repeated increases of the original Estimate, upon any work under his superintendence, a larger amount than that sanctioned by Parliament and by this Board, there would be an end of all control, and My Lords would feel themselves deeply responsible to Parliament. They desire, therefore, that the Master General and Board will take immediate steps for removing Colonel By from any further superintendence over any part of the Works for making Canal Communication in Canada, and for placing some competent person in charge of those Works, upon whose knowledge and discretion due reliance can be placed; to whom must be furnished a Statement of the Estimates and Grants, and who must be strictly charged upon no account whatever to exceed the amount of the Grants.

My Lords further desire that Colonel By may be forthwith ordered to return to this country, that he may be called upon to afford such explanation as My Lords may consider necessary upon this important subject.

Let Copies of these Papers and of this Minute be forthwith prepared, with a view to their being laid before The House of Commons.

(Z.)—ABSTRACT, showing the SUMS Expended during the Half Years ending 30th June and Total Amount of Works when Completed; with the Saving and

	1.	2.	3.	4.	5.
	ESTIMATE given to COMMITTEE.	EXPENDED 31 December 1830.	EXPENDED from 31 December 1830 till 30 June 1831.	EXPENDED from 30 June till 31 December 1831.	TOTAL EXPENDITURES 31 Dec. 1831.
1. Entrance Valley & first 8 Locks	68,413 11 4	65,567 13 7½	4,392 12 11	487 13 10½	70,448 - 4
2. From Eight Locks to Hogs Back	43,372 17 9	60,485 14 3½	1,058 17 -	1,367 16 4½	62,912 7 8½
3. Hogs Back - - -	30,658 - 3	33,369 17 4½	500 6 4½	1,202 7 10½	35,072 11 8
4. Black Rapids - - -	10,113 12 5	13,131 16 10½	828 15 8½	9 19 4	13,970 11 11
5. Long Island - - -	22,504 2 6	33,840 10 1½	5,332 1 10½	1,319 13 8½	40,492 5 8
6. Burret's Rapids - - -	11,249 9 5	10,652 8 9½	602 7 5½	1,250 2 10½	12,504 19 1
7. Nicholson's Rapids - - -	10,725 9 4½	13,581 7 1½	545 6 4	988 2 6½	15,114 16 -
8. Clowe's Quarry - - -	9,865 - 4½	11,434 14 -½	181 16 2½	- - -	11,616 10 3
9. Merrick's Mills - - -	17,906 10 9	17,501 14 8	1,318 1 1½	1,492 9 10	20,312 5 7½
10. Maitland's Rapids - - -	5,776 5 7	9,545 14 8½	151 15 10	1,197 1 -½	10,894 11 7
11. Edmond's Rapids & Phillip's Bay	14,182 6 3	7,152 10 8½	1,623 10 1½	687 7 6½	9,463 8 5½
12. Old Sly's Rapids - - -	12,248 18 10½	17,060 16 7½	2,200 13 3	247 11 -½	19,509 - 11
13. Smith's Falls - - -	20,408 10 5½	21,171 - 2½	645 17 9½	2,140 1 7½	23,956 19 -
14. First Rapids - - -	10,718 1 10½	14,109 18 10	4,153 11 10	6,469 18 6½	24,733 9 2
Oliver's Ferry - - -	100 - -	- -	- -	- -	- -
15. Narrowe's Rideau Lake - -	409 10 -	3,269 17 3½	1,292 3 3½	2,001 7 3½	6,563 7 10½
16. Isthmus, ditto Strait between Mud & Clear Lakes - -	13,639 3 -	20,105 9 3½	6,813 13 2	2,009 16 5½	28,928 18 11
17. Chaffy's Mills & Small Isthmus Indian Lake - - -	20,799 16 2½	6,709 19 4½	3,360 - -	310 15 3½	10,289 14 7
18. Davies' Rapids - - -	8,988 9 9½	4,325 15 7½	1,025 - -	2,083 9 10½	7,434 5 6
19. Jones' Falls - - -	39,136 10 3½	59,531 17 6½	5,797 2 6½	7,728 14 11½	73,057 14 11
Cranberry Marsh & White Fish 1,384 - -					
20. Brewer's Upper Mill & Round Tail - -	17,219 16 -½	9,604 13 8½	220 17 -½	8,316 1 6½	18,141 12 3
21. Brewer's Lower Mill - - -	11,262 19 11½	4,316 16 -½	3,474 17 -	1,652 2 3	9,448 15 3
22. Kingston Mills, Jacks & Billidore Rifts & Cataroque - -	49,382 7 5	37,981 11 9½	9,656 - 7	6,255 6 10½	53,892 19 3
23. Civil & Military Establishment Barracks & General Contingencies - -	121,473 3 2½	87,855 8 9½	7,810 10 11½	11,198 14 10½	106,864 9 8
24. Locks, Gates, Cills, &c. - -	- - -	13,515 13 5½	3,950 16 8½	2,074 16 9½	19,541 6 10
25. Purchase of Land & Compensation for Damages - -	7,162 2 6	10,157 12 6½	- - -	- - -	10,157 12 6
	£. 579,600 15 7½	585,980 8 6½	66,936 14 6½	62,491 12 4½	715,408 15 6

Expended to the 31st December 1831. (See Column, No. 5) - - - - - 715,408 15 6

Required to complete - - - - - ditto - - 6 - - - - - 88,365 10 -

Total Amount of Canal, when completed, with Bridges & Block-houses. (See Column, No. 7) £. 803,774 5 6

31st December 1831; the Total Sums Expended; the probable Sums required to complete and Increase on each Section on Estimate 31st December 1830.

6.	7.	8.	9.	10.	11.	
REQUIRED to COMPLETE.	TOTAL AMOUNT of WORKS.	AMOUNT Estimated to COMPLETE, 31 December 1830.	SAVING on ESTIMATE, 31 December 1830.	INCREASE on ESTIMATE, 31 December 1830.	Probable Sum required to be Expended 1832, to complete the Navigation.	Probable PERIOD of COMPLETING,
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
- - -	70,448 - 4 $\frac{1}{2}$	70,643 3 9 $\frac{1}{2}$	195 3 4 $\frac{1}{2}$	26 - -	- - -	
700 - -	63,612 7 8 $\frac{1}{2}$	64,079 5 4 $\frac{1}{2}$	466 17 8 $\frac{1}{2}$	54 - -	- - -	
400 - -	35,472 11 8	34,701 4 8	- - -	771 7 -	Page 65	
200 - -	14,170 11 11	13,977 10 2	- - -	193 1 9	74 200 - -	
3,800 - -	44,292 5 8 $\frac{1}{2}$	38,525 19 7 $\frac{1}{2}$	- - -	5,766 6 1 $\frac{1}{2}$	90 3,400 - -	
1,500 - -	14,004 19 1 $\frac{1}{2}$	13,698 4 3 $\frac{1}{2}$	- - -	306 14 9 $\frac{1}{2}$	99 1,500 - -	
1,300 - -	16,414 16 -	14,660 15 7 $\frac{1}{2}$	- - -	1,754 - 4 $\frac{1}{2}$	109 900 - -	
400 - -	12,016 10 3	11,529 14 - $\frac{1}{2}$	- - -	486 16 2 $\frac{1}{2}$	117 - -	
2,050 - -	22,362 5 7 $\frac{1}{2}$	20,456 8 -	- - -	1,905 17 7 $\frac{1}{2}$	133 2,050 - -	
1,500 - -	12,394 11 7 $\frac{1}{2}$	11,102 17 2 $\frac{1}{2}$	- - -	1,291 14 4 $\frac{1}{2}$	147 1,100 - -	
1,800 - -	11,263 8 5 $\frac{1}{2}$	12,039 4 - $\frac{1}{2}$	775 15 7	155 - -	1,400 - -	
900 - -	20,409 - 11 $\frac{1}{2}$	19,527 - 6 $\frac{1}{2}$	- - -	882 - 4 $\frac{1}{2}$	167 900 - -	
4,900 - -	28,856 19 - $\frac{1}{2}$	33,217 3 3 $\frac{1}{2}$	4,360 4 3	179 - -	4,900 - -	
1,000 - -	26,633 9 2 $\frac{1}{2}$	20,896 4 2 $\frac{1}{2}$	- - -	5,737 5 -	190 1,500 - -	
- - -	- - -	- - -	- - -	- - -	- - -	
1,000 - -	7,563 7 10 $\frac{1}{2}$	6,529 5 1 $\frac{1}{2}$	- - -	1,034 2 8 $\frac{1}{2}$	196 1,000 - -	
2,650 - -	31,578 18 11	28,049 13 11 $\frac{1}{2}$	- - -	3,529 4 11 $\frac{1}{2}$	207 2,650 - -	
2,500 - -	12,880 14 7 $\frac{1}{2}$	11,075 17 5 $\frac{1}{2}$	- - -	1,804 17 2 $\frac{1}{2}$	217 1,800 - -	
1,400 - -	8,834 5 6 $\frac{1}{2}$	8,396 5 10 $\frac{1}{2}$	- - -	437 19 7 $\frac{1}{2}$	224 1,000 - -	
7,300 - -	60,357 14 11 $\frac{1}{2}$	77,342 10 7 $\frac{1}{2}$	- - -	3,015 4 4 $\frac{1}{2}$	242 6,900 - -	
2,700 - -	20,841 12 3 $\frac{1}{2}$	18,754 9 2 $\frac{1}{2}$	- - -	2,087 3 1	252 2,000 - -	
1,400 - -	10,843 15 3 $\frac{1}{2}$	9,339 12 1 $\frac{1}{2}$	- - -	1,504 9 1 $\frac{1}{2}$	262 1,000 - -	
6,400 - -	60,292 19 3 $\frac{1}{2}$	52,972 11 3 $\frac{1}{2}$	- - -	7,320 7 11 $\frac{1}{2}$	277 6,400 - -	
3,415 10 -	110,279 19 8	98,736 16 7	- - -	11,543 3 1	296 3,415 10 -	
3,600 - -	23,141 6 10 $\frac{1}{2}$	18,670 15 5 $\frac{1}{2}$	- - -	4,470 11 5 $\frac{1}{2}$	297 2,600 - -	
34,650 - -	44,807 13 6 $\frac{1}{2}$	10,151 12 6 $\frac{1}{2}$	- - -	34,650 - -	296 14,000 - -	
88,365 10 -	803,774 5 6	719,074 5 2 $\frac{1}{2}$	5,798 - 11 $\frac{1}{2}$	90,498 1 3	60,615 10 -	

* The Sum required to complete includes £. 20,000, being for the purchase of land required for military purposes; also £. 14,000 to cover damages which individuals will sustain from the construction of the Canal, not provided for in the Progress Report of 31st December 1830.

† Amount required to complete the Navigation in 1832 For the purchase of Land, and Compensation to Individuals	46,615 10 -	£. s. d.
For Block Houses, Bridges, &c. which may afterwards be constructed	14,000 - -	
For Compensation to Individuals for Damages	20,000 - -	
Total Amount	27,750 - -	
	88,365 10 -	

(signed) John By, Lieut.-Col. Royal Engineers, Com^t,
Rideau Canal.

23 Feb. 1832.

Appendix, No. 3.

COPY of TREASURY MINUTE, dated 10th June 1831; LETTER from the Admiralty, 17th June 1831; Ditto, Secretary of State for the Colonies, 29th June 1831; Ditto, Ordnance, 5th July 1831; TREASURY MINUTE, dated 8th July 1831, upon the subject of giving to Parliament a more early and effectual Control over the EXPENDITURE for PUBLIC WORKS ABROAD, as recommended by the Select Committee of The House of Commons, appointed to consider the Water Communication in *Canada*.

Whitehall, Treasury Chambers,
15 July 1831.

T. SPRING RICE.

Copy of TREASURY MINUTE, dated 10th June 1831.

MY LORDS read the following Extract from the Report of the Select Committee, appointed to consider the Water Communication in Canada :

" Your Committee are distinctly of opinion, that some additional Security
" is required for the purpose of giving to Parliament a more early and
" effectual control over Expenditure, of the description of that under
" consideration. With this view, they submit the following Resolutions
" to The House :—

" 1st. That no Public Work of any magnitude shall be undertaken, except
" on a Survey and Estimate, made by an officer acting under the orders of
" some responsible Department.

" 2d. That on the first application for a Vote of Money, an Estimate of the
" sum likely to be required for the whole Work shall be laid before The House.

" 3d. In cases which require more than one year for their completion, and
" where Money is proposed to be voted on account, there shall be submitted
" to The House in each year, and before the Vote is proposed, a Statement of
" the Sums already voted, of the Money actually expended up to the date of the
" last Accounts, of all outstanding Demands, and of the Sum still wanting to
" complete the Work; and any deviations from the Original Plan or any con-
" templated additions to the magnitnde or expense of the whole Work, shall be
" inserted in the Estimates of the year.

" 4th. No Department of the Government shall authorize any officer to
" enter into Contracts for any Work, beyond the limits of the annual grants of
" Money, without the sanction of a Minute of the Board of Treasury, which
" shall, with as little delay as possible, be laid before The House."

In the Opinions thus pronounced, My Lords concur: feeling the necessity of providing in all cases—a more direct and effective Parliamentary check upon the Public Expenditure, they are desirous of carrying these Resolutions into effect invariably; but before any decided step is taken, either by proposing these Resolutions in The House of Commons, or by pursuing any other course thereon, My Lords direct, that Letters be written to the Secretary of State for the Colonial Department, the Lords of the Admiralty, and the Board of Ordnance, expressing the strong opinion of this Board, and inquiring whether any public inconvenience is considered by the several Departments as likely to result from an adherence to Regulations which, in the judgment of My Lords, are as no less in accordance with constitutional principles, than calculated in a most important degree to advance the Public Service.

**LETTER from John Barrow, Esquire, to The Honourable J. Stewart,
&c. &c. &c.**

SIR,

Admiralty Office, 17th June 1831.

I HAVE laid before My Lords Commissioners of the Admiralty your Letter of the 14th instant, with the accompanying Extract from a Report of the Select Committee of The House of Commons appointed to consider the Water Communication in Canada; and I have their Lordships' commands to acquaint you, that they entirely concur in the propriety of the whole of the Regulations suggested by the Committee for a more early and effectual control over Expenditure for all kinds of Public Works, and their Lordships have in fact anticipated the greater part of them: their Lordships will, however, give directions to the subordinate Boards implicitly to adhere to these Regulations, so far as they are concerned.

I am, &c. &c.

(signed) *John Barrow.*

**LETTER from R. W. Hay, Esquire, to The Honourable J. Stewart,
&c. &c. &c.**

SIR,

Downing-street, 29th June 1831.

I HAVE laid before Viscount Goderich your Letter of the 16th instant, transmitting for his Lordship's opinion, by command of the Lords Commissioners of the Treasury, the Copy of their Lordships' Minute of the 10th instant, founded on a Report of a Select Committee of The House of Commons, proposing certain Resolutions for giving to Parliament a more early and effectual control over Expenditure on Public Works, and stating, that their Lordships are desirous of carrying them invariably into effect, as being no less in accordance with constitutional principles, than calculated in a most important degree to advance the Public Service; and I am directed to acquaint you, for the information of the Lords Commissioners, that Lord Goderich concurs in their Lordships' opinion, and he is not aware that any public inconvenience is likely to result from an adherence to these Regulations in future.

I am, &c. &c.

(signed) *R. W. Hay.*

**LETTER from R. Byham, Esquire, to The Honourable J. Stewart,
&c. &c. &c.**

SIR,

Office of Ordnance, 5th July 1831.

REFERRING to your Letter of the 14th ult., transmitting an Extract from a Report of the Select Committee of The House of Commons, appointed to consider the Water Communication in Canada, and desiring to receive the Opinion of the Master General and Board of Ordnance upon the Resolutions therein proposed, with the view of giving to Parliament a more early and effectual control over Expenditure of the description mentioned therein;—

I have the honour to acquaint you, for the information of the Lords Commissioners of His Majesty's Treasury, that the Master General and Board are not aware of any objection to the adoption of the Resolutions referred to; but, with regard to the 4th Resolution, they consider it right to state, that, unless Executive Officers at *Foreign Stations* are authorized to enter into a contract for the *whole* of any Work proposed to be executed in a given number of years, Contractors will naturally seek to indemnify themselves, by higher prices, from the risk they would run of having their work stopped, or discontinued, at the end of any year. At the same time, the Treasury, in the event of the Resolutions being adopted, having, as

38 APPENDIX TO REPORT FROM SELECT COMMITTEE

it seems, the power of sanctioning, by their Minute, a deviation from the 4th Resolution, it is submitted, as a question for their Lordships' consideration, whether this power will be effectual to obviate the inconvenience above anticipated.

I have the honour, &c. &c.

(signed) R. Byham.

Copy of TREASURY MINUTE, dated 8th July 1831.

READ Letter from the Secretary to the Board of Ordnance of the 5th instant, referring to the Letter of this Board of the 14th ult., enclosing an Extract from a Report of the Select Committee of The House of Commons, appointed to consider the Water Communication with Canada, for the Opinion of the Master General and Board of Ordnance, upon the Resolutions therein proposed, with the view of giving to Parliament a more early and effectual control over Expenditure of Public Works in the Colonies ; wherein he states, that the Master General and Board of Ordnance are not aware of any objection to the Resolutions referred to ; but with regard to the 4th Resolution, they state, "that, unless Executive Officers at *Foreign Stations* are authorized to enter into a contract for the *whole* of any Work proposed "to be executed in a given number of years, Contractors will naturally seek to "indemnify themselves, by higher prices, from the risk they would run of having "their works stopped, or discontinued, at the end of any year."

Read Letter from Mr. Hay of the 29th ult. on the same subject.

My Lords resume the consideration of all the former Papers on this subject, and also read their Minutes of the 10th and 28th ult.

My Lords are gratified to perceive, that it appears from these Communications that no real difficulty arises in carrying into effect generally the proposed Resolutions, and thus ensuring to Parliament a more full and adequate Check upon the Public Expenditure.

With respect to the difficulty suggested by the Ordnance Department, My Lords are of opinion, that it will not arise where the entire Expense of any Work has been submitted to Parliament, and approved of, although a Vote may not have been taken for the full amount in any one year. Unforeseen and unavoidable Expenditure will, it is conceived, be sufficiently provided for by the exception contained in these Resolutions.

The Lords of the Admiralty having already given orders that these Resolutions shall be acted upon implicitly in that Department in future, it is unnecessary to make any further communication to that Board; but My Lords desire that the Secretary of State for the Colonies and the Master General and Board of Ordnance may be requested to give corresponding directions in their respective Departments.

Appendix, No. 4.

LETTER from Major General Sir A. Bryce to R. Byham, Esq.,
&c. &c. &c.

SIR, 84, Pall Mall, 19th May 1832.

THE Report which was forwarded with my Minute of yesterday's date, will inform the Master General and Board, that Lieutenant-Colonel By expected to complete the *Navigation of the Rideau Canal* on the first of this month. It is therefore to be considered, that from the period of the completion of the Navigation, the Master General's and Board's Order of 21st June 1826, for executing this Canal, will have been fulfilled ; but as this work will be liable to constant current expenditure, as well in the working of the Locks, and preservation of the Banks, as in *casual* repairs

repairs, which will inevitably arise, it becomes necessary to consider for future provision; therefore, (with reference to the Board's Orders of 6th December 1830^T, and 29th June 1831^E, communicating that the Canal is to remain solely in charge, and under the control of the Ordnance, and to the Master General's and Board's subsequent Order of 14th October 1831^T, communicating that it is contemplated by the Government, that until the amount of Tolls, &c. for passing the Locks shall be sufficient to defray the annual expense of repairs, the necessary Funds should be provided by the Colonial Legislature in Canada,) I recommend, that immediate orders be given to the respective Officers at Quebec, and the Paymaster of the Rideau, that from the period when the Commanding Engineer in Canada considers the execution of the Canal to be completed, a separate account be kept of all expenses incurred in its maintenance, so that the expenditure on the execution, and on the maintenance, may be wholly distinct, and that if any Funds shall, in consequence of the last Order above quoted, have been voted and made available for the maintenance of the Canal, all expenses for repairs, and the establishment necessary to be kept up from the completion of the work, should be charged to that sum.

I am, Sir, &c. &c.

(signed) *Alex^r Bryce, M. G^t.*

Appendix, No. 5.

MEMORANDUM from OFFICE of ORDNANCE.

26th May 1832.

SUBMIT to the Master General, that a communication be made to the Lords Commissioners of the Treasury, acknowledging Mr. Spring Rice's Letter of the 11th May, received on the 23d, in which was transmitted to this Department Copy of a Minute of the Lords Commissioners of the Treasury, dated 11th May 1832.

Acquaint their Lordships, in reference to Mr. Spring Rice's desire, that the Master General and Board will "lay before My Lords, with as little delay as possible, an account of the total expenditure on the Rideau Canal during the year 1831, and to the latest period to which it can be carried forward;" that the Board have the satisfaction to think that they have been enabled to fulfil his desire in the fullest manner, by transmitting, on the 21st May, to Mr. Spring Rice, for the information of the Lords Commissioners of the Treasury, a complete statement of the Expense for the year 1831, received from Lieut.-Colonel By, with his Report, dated 27th February 1832; showing also, they lamented to find a statement of expenditure incurred by Lieut.-Colonel By wholly unauthorized by this Department, not only amounting to £. 25,624, which was before made known as a probable exceeding on the last Estimate, but to a very much larger amount.

Acquaint their Lordships, that the Board would immediately have carried into effect the Instructions of their Lordships contained in their Minute of 11th May, had the circumstances remained the same as when that Minute was made; but under the altered and unfortunate state of the case now known to their Lordships, the Board feel themselves justified, and indeed called upon, to await the final Instructions of the Lords Commissioners of the Treasury, founded upon the latest state of information contained in the Papers transmitted to their Lordships on the 21st May; on receiving such final Instructions, the Board will not fail to carry into effect the Orders of the Lords Commissioners of the Treasury with the least possible delay.

Transmit to Mr. Spring Rice, for the information of the Lords Commissioners of the Treasury, Copy of Sir Alexander Bryce's Letter of the 19th May 1832, respecting the expense of the maintenance of, or of such repairs as may arise upon, the Rideau Canal, and the mode of keeping the Accounts of the same. State to their Lordships, that as there is every reason to believe that the Canal is now finished, it is of the utmost importance that this Department should receive the most precise Instructions from the Lords Commissioners of the Treasury respecting any expense to be incurred on the Canal subsequently to its completion for its maintenance and repair; that such orders seem essential, to guard against the

possibility of future unauthorized expenditure ; and that this Department will lose no time in giving effect to such arrangements and orders as the Lords Commissioners may consider most suitable to the case. - The Board beg to draw the attention of the Lords Commissioners of the Treasury in an especial manner to the contents of Sir Alexander Bryce's Letter, from an impression, that if Funds are not speedily provided for the maintenance of the Canal by the Colonial Legislature in Canada, no time ought to be lost in deciding upon and regulating all charges for repairs in the interim, in order that unauthorized future expenditure may, under any possible circumstances, be effectually guarded against.

(signed) *T. F. K.*

I approve,

29th May 1832.

(signed) *J. K.*

Ordered accordingly.

Appendix, No. 6.

LETTER from the Right Hon. *T. Spring Rice* to the Secretary of the Ordnance, &c. &c. &c.

SIR,

Treasury Chambers, 9th June 1832.

HAVING laid before the Lords Commissioners of His Majesty's Treasury your Letter of the 26th ult., I have it in command to acquaint you, that My Lords entirely concur in opinion with the Master General and Board of Ordnance, that it is of essential importance that precise Instructions should be given with respect to the future management of the Rideau Canal, and to the mode of defraying the expense of its maintenance and repair, and that My Lords will have this important branch of the subject under their consideration as soon as the Select Committee of The House of Commons now sitting by direction of the House, upon the subject of the expenditure already incurred, shall have made any Report to The House, it appearing to My Lords that the whole subject in all its branches should be considered by that Committee. In the mean time, however, and until some final arrangement shall be made, My Lords are of opinion, that the expense absolutely required to maintain the Canal, must be borne by this Country. My Lords have no means; however, of forming any judgment of the probable charge per annum which will be occasioned thereby; and as that information is necessary, not only for this Board, but also for the Select Committee of The House of Commons, My Lords request the Master General and Board will direct some of their practical Officers to prepare an Estimate of the probable amount that may be required, looking to the nature and extent of the work. My Lords entirely approve of the suggestion, that a separate and distinct account should be kept of all the Charges now to be incurred for this Canal, in the manner proposed by Sir A. Bryce, and for the reasons stated by him.

I am, Sir, your obedient servant,
Spring Rice.

9th June 1832.

REFER to Sir A. Bryce, and that he be desired to consider the subject here mentioned, and, after consulting any Officer of Engineers whom he shall consider necessary, to prepare the best Estimate he can form of the probable Expense of maintaining the Rideau Canal, looking to the extent and nature of the work, and to lay the same before the Board *with as little delay as possible*.

Submit this Minute to the Master General before it is acted upon.

11th June 1832. Approved. *T. F. K.*

11th June 1832. Ordered according to the Board's Minute of the 9th inst.

T. F. K.

Appendix, No. 7.

ESTIMATE of the AMOUNT that will probably be necessary, in the year 1832, for the Maintenance, including Repairs, of the *Rideau Canal*, under supposition that it was quite completed and opened on the 1st May last.

	£. s. d.
One Captain, Royal Engineers, extra pay, 366 days, at 11 <i>s.</i> 1 <i>d.</i>	202 16 6
One Second Captain, Royal Engineers, extra pay, 366 days, at 8 <i>s.</i>	146 8 -
One First Lieutenant, Royal Engineers, extra pay, 366 days, at 7 <i>s.</i> 10 <i>d.</i>	143 7 -
One First Lieutenant, Royal Engineers, extra pay, 366 days, at 6 <i>s.</i> 10 <i>d.</i>	125 1 -
Command pay to the senior Officer for 366 days, at 10 <i>s.</i>	183 - -
Pay, instead of travelling expenses, to the Second Captain and two Subalterns, for six months in the year, 549 days, at 5 <i>s.</i>	137 5 -
Forage allowance for the four Officers, at 2 <i>s.</i> each for 366 days	146 8 -
Pay of one Clerk of Works, at 14 <i>s.</i>	256 4 -
Allowance for a Horse, 2 <i>s.</i>	36 12 -
Pay of one Overseer of Works, at 12 <i>s.</i>	219 12 -
Allowance for a Horse, at 2 <i>s.</i>	36 12 -
Pay of one Master Carpenter, at 10 <i>s.</i>	183 - -
Allowance for a Horse, at 2 <i>s.</i>	36 12 -
Pay of one Master Mason, at 10 <i>s.</i>	183 - -
Allowance for a Horse, at 2 <i>s.</i>	36 12 -
Pay of one Master Smith, at 10 <i>s.</i>	183 - -
Allowance for a Horse, at 2 <i>s.</i>	36 12 -
Pay and allowance of one Clerk for Cominating Engineer	150 - -
Pay of ten first-class working Foremen of Artificers, 366 days, each at 6 <i>s.</i>	1,098 - -
 Four Carpenters, four Masons, two Smiths, to be stationed as follows:—	
One Carpenter, one Mason, one Smith, at the first eight Locks.	
One Carpenter, one Mason, at Smith's Falls.	
One Carpenter, one Mason, one Smith, at Jones's Falls.	
One Carpenter, one Mason, at Kingston Mills.	
Pay of 22 permanent Lock-keepers, 366 days, at 5 <i>s.</i>	2,013 - -
Pay of 34 additional Lock-keepers (eight months) for aiding in passing the boats, &c. 245 days, each at 4 <i>s.</i>	1,666 - -
Pay of 40 common labourers for six months, which it is anticipated will be required in passing and extricating drift timber from the entrances of the locks and against the dams, 188 days, each at 3 <i>s.</i> 6 <i>d.</i>	1,260 - -
Canoes and hire of crews for eight months, suppose	320 - -
Probable expense for casualties, from 5,000 <i>l.</i> to 10,000 <i>l.</i> , saying the latter	10,000 - -
Probable Total Expense	£. 18,799 1 6

21st June 1832.

(signed)

E. W. Durnford,
Colonel Royal Engineers.

Appendix, No. 8.

ESTIMATE for increasing the Width of the GRENVILLE CANAL for STEAM-BOAT NAVIGATION, making the Bottom 40 Feet wide, with Slope 2 to 1, except in the Rocky Situation, there to be regulated by the nature of the Rock.

THESE Locks were built, as formerly ordered, 108 feet long and 20 feet wide. It is calculated that they cannot be taken down and rebuilt complete, of the dimensions now approved, of 130 ft. x 33 ft. for Steam-Boat Navigation, at a less expense than stated.

The Canal had been originally laid out at 28 feet wide at bottom, excepting at the deep and expensive cuttings, where, for a distance of above 1,600 yards, it is only 20 feet wide. The excavation herein stated, is for making the whole length of Canal, about 6 miles, 40 feet wide at bottom, and the average price of 3s. 6d. per cubic yard is assumed, as in the deep cutting it is entirely through Rock, and in no other part is there less than two or three feet of Rock at the bottom.

The re-forming a Tow-path or Road is estimated, as in some places the whole, and in others the greater part, will have been cut away in widening the Canal.

The Canal having isolated between it and the Ottawa River a long slip of Land, although not more than 360 acres, yet extending nearly six miles, and belonging to different Proprietors settled on it, five permanent Bridges had been established, which must now be replaced by Drawbridges (and of a greater extent) to allow the passage of Steam Boats, or the Land be purchased, which, however, may not be so practicable, except in one instance, where the Sum required for the Bridge exceeds the Value of the Land.

	Amount Sterling.
	£. s. d.
PUTTING down the three upper Locks, and re-constructing them of the Size of the lower ones :	
Taking down and rebuilding on the approved large scale for Steam-Boat Navigation, No. 1 Regulating Lock -	7,000 - -
Taking down and rebuilding, &c. No. 2 Lock, 6 feet lift -	4,500 - -
Taking down and rebuilding, &c. No. 3 Lock, 7 feet lift -	5,000 - -
163,147 cubic yards of Excavation, through Rock and Earth, in widening the present Canal from 20 and 28 feet width to 40 feet throughout at bottom, at 3s. 6d. -	28,550 14 6
13,777 cubic yards of Excavation in forming a Tow-path and Road, 1s. 8d. - - - - -	1,148 1 8
4,314 yards running of grubbing and removing the Boulders on part of ditto, £. 5 per 100 yards - - -	215 14 -
6 miles running of metalling the whole length of ditto, including breaking of Stone and Transport, £. 100 -	600 - -
Coffer-dam and Machinery to pump out the Water -	300 - -
300 toises of dry Masonry in forming a Pier on South side of entrance at upper end of Canal, 20s. - - -	300 - -
Taking down and rebuilding four large Drains or Bridges over Rivulets, £. 50 - - - - -	200 - -
Putting up Five Drawbridges over Canal, constructed to permit the passage of Steam Boats - - - - -	1,500 - -
Contingencies, 1-10 - - - - -	49,314 10 2 4,931 9 -
TOTAL - - -	£. 54,245 19 2

Appendix, No. 9.

STATEMENT of the EXPENDITURE on the OTTAWA CANALS to the 31st December 1831, with the Amount required to complete from that Date; also the Amount of the approved Estimates for those Works, and the probable Saving or Excess on each, made up from the latest Reports received from Canada.

W O R K S .	Expended to the 31st Dec. 1831.	Required to complete from 31 Dec. 1831.	Total Expense of the Works.	Approved Estimate for the Works.	Saving.	Excess.	R E M A R K S .
	£.	£.	£.	£.	£.	£.	
Grenville - - - - -	137,244	775	138,019	138,019			
Enlarging the Locks at the Grenville, and widening and deepening the Canal where necessary to pass Steam Boats of the size intended to work on the Rideau	- - -	54,245	54,245	54,245	- - - - -		Not yet ordered to be commenced.
Carillon Rapids - - - - -	23,721	12,523	36,244	45,464	9,220		
Chûte-à-Blondeau - - - - -	9,872	5,113	14,985	20,785	5,800		
Superintendence and Establishment - - - - -	14,261	- -	23,761	23,761	- - - - -		
	—	—	267,254	282,274	15,020	—	
							As only £.14,261 had been expended on 31st Dec. last, and these Canals are calculated to be finished by the end of 1832, it is expected that there will be a considerable saving on this superintendence, but the amount cannot be now stated.

Appendix, No. 10.

NOTE in Explanation of the CONTRACTS for Work carrying on at the
RIDEAU CANAL in Canada.

FROM the nature of the Works to be executed under most of the foregoing Contracts, it will be observed, that as they were for specific purposes, no stop could have been put to them without exposing Government to the risk of actions for breach of covenant. In those cases where the Contracts appear terminable at pleasure, it must be remembered, that they were so far connected with certain of those entered into for specific purposes, as virtually to become interminable: for instance, where Quarries were to be opened, Land cleared, and Oxen employed in drawing, on the line of the Canal, *wherever required*: these, as *unconnected* services, might have been stopped; but as some Lock, or other Work, had been *specially* contracted for, to be erected on one of the spots to be so cleared, it became imperative to clear the ground, quarry stone, &c. &c. in order to proceed with the Lock or Work alluded to; so that, in fact, it would have been very difficult, if not impossible, to suspend the progress of the whole.

The Contracts made by the Commissary stipulate, that in case of failure on the part of the Contractor, another party might be employed to complete the Work, and the expense should be charged to the Contractor; and he was also held bound in a penalty on the failure of any separate covenant.

Office of Ordnance,
13 June 1832.

R. Byham, Secretary.

Appendix, No. 11.

MEMORANDUMS

Relative to the WATER COMMUNICATION between *Montreal* and *Kingston*;
Compiled and corrected to 1832, by *S. B. Howlett*.

Miles from Montreal.	Miles to Kingston.	
LA CHINE CANAL, ON THE ST. LAWRENCE.		
1.	277.	LA CHINE CANAL.—This Canal is 28 feet wide at bottom, 48 feet at the water-line, slopes generally two to one, has 5 feet depth of water, and a towing-path. The whole fall is 42 feet, with 6 Locks. It is the property of a Company, and was begun in 1821, and completed in three years: it cost £.137,000, which was defrayed by the Company, assisted by Government, for which the Public Service is exempt from Toll.
THE OTTAWA.		
56.	222.	ST. ANN'S CANAL.—A Canal is proposed across the Western extremity of the Island of Montreal, near the Town of St. Ann, to surmount the Rapids of St. Ann.
60.	218.	CARILLON RAPIDS.—To pass these Rapids, a cut is proposed, with 2 Locks, on the left bank of the River.
64.	214.	CHUTE-à-BLONDEAU.—To pass this Fall, there is a cut, with 1 Lock, on the left bank of the River.
		GRENVILLE CANAL.—This Canal is on the left bank of the River it is about 7 miles in length, has 6 Locks, and its section is similar to that of the La Chine Canal. From this Canal the Ottawa is navigable up to the Falls of Chaudière.

Miles from Montreal.	Miles to Kingston.	THE RIDEAU CANAL.
128.	150.	ENTRANCE BAY. —This is a small Bay in the Ottawa, about a mile below the Falls of Chaudière, and about a mile above the point where the Rideau River falls into the Ottawa. The Bay is in $45^{\circ} 30'$ North Latitude, and $76^{\circ} 50'$ West Longitude. From this Bay the Canal is entered by 8 Locks. The Canal then passes through a natural Gulley, crosses Dow's Swamp (which is flooded by means of a mound); crosses Peter's Gulley by means of an Aqueduct, and joins the Rideau River at the Hog's Back, distant from Entrance Bay about 6 miles.
132.	146.	HARTWELL'S. —Two Locks.
133.	145.	Hog's BACK. —This Dam is 45 feet high and 400 long; and the Canal rises into the River by means of 1 Lock, besides a Guard Lock. The Dam, by throwing back the River, converts about 7 miles of rapids into still navigable water.
138.	140.	BLACK RAPIDS. —A Dam and 1 Lock.
143.	135.	LONG ISLAND RAPIDS. —A Dam and 3 Locks, and 2 Embankments. This Dam throws back the water sufficiently to overcome the rapids and deepen the shallows, so as to render the River navigable up to Burrett's Rapids.
167.	111.	BURRETT'S RAPIDS. —A Dam and 1 Lock.
169.	109.	NICHOLSON'S RAPIDS. —A Dam and 2 Locks, and an Embankment.
171.	107.	CLOW'S QUARRY. —A Dam and 1 Lock, and an Embankment.
173.	105.	MERRICK'S RAPIDS. —A Dam and 3 Locks.
187.	91.	MAITLAND'S RAPIDS. —A Dam and 1 Lock.
190.	88.	EDMUND'S RAPIDS. —A Dam and 1 Lock.
194.	84.	OLD SLY'S RAPIDS. —A Dam and 2 Locks.
196.	82.	SMITH'S FALLS. —A Dam and 3 Locks.
202.	76.	FIRST RAPIDS. —A Dam and 1 Lock.
210.	68.	OLIVER'S FERRY. —Here the Rideau Lake contracts to 463 feet in width, and a Ferry is established to connect the Road between Perth and Brockville.
226.	52.	UPPER NARROWS. —Here the Rideau Lake contracts again to about 80 feet in width, across which a Dam is thrown, with a Lock of 4 feet lift, forming the Upper Rideau Lake into a summit Pond of about 291 feet above Entrance Bay in the Ottawa.
232.	46.	ISTHMUS R. LAKE. —This Isthmus separates the Upper Rideau Lake, which is the source of the Rideau River, from Mud Lake, which is the source of the River Cataraqui. The Canal will now have to descend 162 feet before it reaches Kingston Harbour. The Canal is cut through this Isthmus, which is a mile and a half in width, having 1 Lock.
237.	41.	ISTHMUS CLEAR LAKE. —A cut is made through this neck of land, which is 330 feet across, to avoid the rapids of the natural channel.
238.	40.	CHAFFY'S MILLS. —A Dam and 1 Lock.
243.	35.	DAVIS'S RAPIDS. —A Dam and 1 Lock.
248.	30.	JONESS FALLS. —A Dam and 4 Locks.
255.	23.	CRANBERRY MARSH —is about 78 feet above the level of Kingston Harbour, and about 8 miles along. Besides flowing into the Cataraqui River, the waters of this Marsh or Lake burst out at White Fish Falls, and flow into the Gananoqui River, which River will be made the waste weir for regulating the level of the water in the Rideau Lake, which is the summit Pond; so that the water in the whole line of Canal, whether in times of flood or not, may always be kept at a steady height.

Miles from Montreal.	Miles to Kingston.	THE RIDEAU CANAL—continued.
260.	18.	BREWER'S UPPER MILLS.—Two Dams and 2 Locks.
261.	17.	BREWER'S LOWER MILLS.—A Dam and 1 Lock.
273.	5.	KINGSTON MILLS.—A Dam and 4 Locks. The Canal or Cataraqui River falls into Kingston Bay at these Mills, 5 miles from Kingston.
		GANNEAU SHOALS (in Kingston Bay.)—The work at this station consisted in abating these Shoals, so as to obtain a depth of five feet water in dry seasons.

The distance from Montreal to Entrance Bay is about 128 miles; and the time required for the passage of Troops by this line would be about 30 hours. The distance from Entrance Bay to Kingston is about 150 miles; and the time required for the passage of Troops by this line would be about 54 hours.

The Locks of La Chine Canal, and the three upper Locks of the Grenville Canal on the Ottawa, are calculated for vessels of 20 feet beam, with 5 feet depth of water.

The remaining Locks on the line of the Ottawa, and those on the Rideau, are intended for vessels 108 feet long and 80 feet beam, and the least depth of water 5 feet.

R E P O R T

FROM THE

C O M M I T T E E

ON THE

“ BILL to consolidate and amend several Laws relating to the
“ cruel and improper Treatment of Animals, and the Mischiefs
“ arising from the driving of Cattle, and to make other
“ Provisions in regard thereto :”

WITH

THE MINUTES OF EVIDENCE.

Ordered, by The House of Commons, to be Printed,
1 August 1832.

Mercurii, 30° die Maii, 1832.

Ordered,

THAT the "Bill to consolidate and amend several Laws relating to the cruel and
" improper Treatment of Animals, and the Mischiefs arising from the driving of Cattle,
" and to make other Provisions in regard thereto," be committed to

Mr. Mackinnon.

Mr. Portman.

Mr. Lamb.

Mr. Petre.

Lord Porchester.

Mr. Pusey.

Mr. Heathcote.

Mr. Alderman Wood.

Mr. Alderman Venables.

Mr. Wilks.

Mr. Warre.

Mr. Hunt.

Mr. Baring Wall.

Sir Robert Peel, Bart.

Mr. Alderman Copeland.

Mr. Robert Gordon.

Mr. Foster Pigott.

Mr. Severn.

And they are to meet To-morrow, in The Speaker's Chamber; and have Power to send
for Persons, Papers and Records.

Ordered, That Five be the Quorum of the Committee.

R E P O R T.

THE SELECT COMMITTEE to whom the " BILL for consolidating
" and amending the several Laws relating to the cruel and improper
Treatment of Animals, and the Mischiefs arising from the driving
of Cattle, and to make other Provisions in regard thereto ;" and
who were empowered to report their Opinion ; together with
the MINUTES OF THE EVIDENCE taken before them to the
House :—HAVE examined the Matters to them referred, and agreed
to the following REPORT :

YOUR Committee have examined several witnesses, upon whose testimony they are satisfied that numerous and wanton cruelties are practised, to the great and needless increase of the sufferings of dumb animals, and to the demoralization of the people.

Your Committee are of opinion that some further legislative Enactments are necessary to prevent as far as possible the continuance of the cruel and improper treatment of animals. But being unable to conclude their inquiries into the subject, they now lay the Evidence taken by them before the House, and recommend a renewal of the investigation early in the ensuing Session of Parliament.

1 August 1832.

LIST OF WITNESSES.

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MINUTES OF EVIDENCE.

Martis, 19° die Junii, 1832.

WILLIAM ALEXANDER MACKINNON, ESQUIRE,

IN THE CHAIR.

John Easterbrook, called in ; and Examined.

J. Easterbrook.

19 June,
1832.

1. HAS it occurred to you in the discharge of your duty, to witness much of the maltreatment of animals in a wanton manner?—Yes.
2. More particularly in cats and dogs?—Yes.
3. In what part of the town is your duty?—At the present time?
4. No, at the time you were speaking of when this happened?—I was then in the vicinity of Wapping and Shadwell.

5. Will you state any instance of this wanton cruelty which you remarked towards cats and dogs?—Yes; as to cats, I may state that about two years back the inhabitants in the parish of Wapping and Shadwell were frequently complaining of their cats being stolen, and every morning or nearly so, in back alleys and dung-hills and so on, which abound there, we have seen from five to ten or twenty cats; we have gone down some times and seen them actually smoking, and their nerves moving about their shoulders and head, and I have told the men to be particular and look out for any suspicious characters. In fact it occurred to me, that it was those persons who go about picking up bones and so on, and I told the men to watch them particularly. One morning on the 23d of June last, a man on the beat in Ratcliffe Highway observed a girl and man prowling about; he saw the girl go up to the door of a house in New Gravel-lane, and entice a fine large cat away, and take up the cat and put it under her shawl, and there was a man who proved to be her father afterwards, and the father took it and ran away with it; and the policeman when he saw that ran down after them, and when he got up to a back place she was taken and the father ran away. We brought forward witnesses that morning who proved that they had seen this very girl skinning cats before; she was convicted in the penalty of 5*l.* for stealing the cat and 5*s.* the value of the cat. On the next morning or the morning after, a man who is outside was on Shadwell beat, I think it was between two or three in the morning of the 25th, he heard a noise in a privy at the back of some of the houses in Shadwell High-street.

6. Is this the same case?—Not the same case; he went up and opened the privy door, and saw a man sitting there with a large apron; he said, “What have you got here?” and as soon as he turned his apron over, there was a cat jumped out of his apron and ran out of the privy nearly half skinned; the skin was off all the hind quarters, and he went and put an end to it by stepping on it, and brought it down to the watch-house in a green bag, all the nerves in the cat were then moving. On the man we found three skins. A man outside swore to one of the skins, to the one that was half skinned and to one of the skins, (besides the cat that was half skinned,) was a favourite cat of his, and he had had it a great many years. He was then taken before the magistrate, and I stated the case which I am now stating, and he was convicted in the sum of 20*l.* for stealing the cat, and 2*s.* the value of the cat.

7. That was for stealing the cat?—Yes. I have this to say, that frequently I have seen cats on dung-hills and before people's doors moving, frequently warm; we have very commonly seen them, and up to this time we had not been able to detect them. When we sent these two away it was some time before we heard any more of them.

667.

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8. Suppose

6 MINUTES OF EVIDENCE TAKEN BEFORE COMMITTEE

J. Easterbrook.

19 June,
1832.

8. Suppose you were to see a man skinning a cat alive, having no knowledge who the cat belonged to, do you think you could take that person before the magistrate?—From the talk between the magistrate and the clerk, I think they would not be fined.

9. Supposing you saw an individual skinning a cat, and had reason to believe that the cat was the property of the individual who was skinning it, would you think it of any use to bring the case before a magistrate?—No, I should not, because Mr. Martin's Act does not reach to this.

10. In your estimation Mr. Martin's Act only goes to cattle, not domestic animals?—Yes.

11. Have you any reason to know why people skin cats alive?—For the best reason; if a man can go out and catch a dozen and skin them, those skins will fetch him from 6s. to 7s. a dozen, and they can sell them to the most respectable men in the trade, because cat skins are the best skins they can possibly get for mock furs; and the reason why they do not kill them or cut their throats is, that they would be all over blood; now this man had a large apron on. They just slit them down the fore legs or hind legs, and the skins will come off very easily; if they took the trouble to cut their throats the blood would spurt all over them; the reason why they do not take the cats home alive is, that they would then have a bundle, and the policeman on duty would stop the bundle, seeing people of that description, and that would detect them. If a man can get half-a-dozen skins in the course of a morning it is a very good morning's work.

12. How long have you been on that Wapping beat?—I was on it as private for above four or five months, and serjeant for about two years.

13. Were you upon any beat before?—Yes.

14. Are you on the Wapping beat now?—No.

15. What beat were you on before?—Whitechapel.

16. Did you see any instances of cruelty on the Whitechapel beat?—There are several knackers there; I have seen instances of cruelty towards the horses brought in, but there is nothing particularly I can mention; I have seen them brought in there and kept for days together.

17. Kept for days together?—Yes, by Mr. John Monks and Mr. William Monks.

18. Without food?—No, I did not say that.

19. Will you allow me to ask you whether you come forward to give your evidence from your own wish, and from your own desire on this subject, or what induced you?—The inducement was, some gentleman who wished to know the officers who had that case before the magistrate, and I being one of the officers that gave evidence, I came forward, nothing further.

20. Wishing to state the truth?—Yes.

21. You were not led to do it by seeing any advertisement in the public prints?—No, I knew nothing of it till such time as they applied.

22. You have mentioned two cases of great cruelty to cats; have you ever had occasion to kill a cat yourself?—No, I have drowned kittens.

23. Do you ever hear an old saying that a cat had nine lives?—I have heard that saying.

24. You know it is more difficult to kill a cat than any other animal?—Yes.

25. You are not aware of any instances of cruelty to any other animals besides cats?—Not exactly in that point; there are dogs served in the same manner for the value of their skins.

26. You do not know that from your own personal knowledge?—No.

27. I only want to know whether you know that from your own personal knowledge?—No, but from my brother officers at different offices.

28. You have seen other animals that have been killed, a moment or two after their death?—Yes.

29. You have often seen the convulsive motion?—Yes.

30. You do not conclude that the animal being in a state of convulsions that life is not extinct?—Not exactly. I have seen beasts killed; they have been knocked down first, and their throats cut afterwards, and they have no feeling after that; but I should think to skin an animal alive, and then throw it down, I should think they had feeling for some considerable time afterwards; and where the beast is knocked down the chopper or hatchet enters

ON BILL FOR PREVENTION OF CRUELTY TO ANIMALS. 3

J. Easterbrook.

19 June,
1832.

enters the brain, and their throat is cut immediately afterwards, and although their nerves may move, still there would be no feeling. In skinning a cat alive, and throwing it down on a dunghill, and letting it take its chance, as it can, there is a great deal of difference.

31. I think you have stated that it would be impossible for the furriers to get furs as good if the cats were killed in any other way than the way you have described?—I have not said that, I said the reason why they skin them in that manner is that the skin comes off the sooner while warm, and if they were to take the time and trouble to kill the cats, they must either cut their throats or knock them on the head, and then the blood would mess them all over, and if a policeman met them in that state he would naturally conclude they had been after something or other, whereas if they skin them alive there is no blood except the joints of the legs, and then they can put them in their pockets.

32. Would a fur covered with blood be sold for as much money as a fur taken off a cat in the way which you have described?—No, I should think not.

33. The people who commit these practices, in your opinion, skin the cat alive chiefly to screen their own delinquency?—Certainly; there is no doubt if they could get all the cats at home with the possible means of putting away the carcasses afterwards, they would not go up into any privy or court for that purpose; but if they get three or four in a bag a policeman would naturally say, "What have you got there?" and they would be detected at once, whereas if they have their skins only they may easily conceal them.

34. You state distinctly that the reason for skinning the cat alive is not that the fur is improved by skinning the cat alive, but that they skin it alive from two circumstances, one is, that the skin is more easily taken off, and the other is, that by catching the cat and skinning it in that way, there is less chance of detection?—Certainly.

35. Therefore there are two reasons, one, that the skin gets off easily, and the next, that they get the skin home better?—Yes.

36. The next thing you stated was, that in your estimation if a bullock or ox, or cow get a blow, they are stunned?—Yes.

37. Although they may struggle a little afterwards?—Yes.

38. Yet sensation is extinct?—Yes.

39. If an animal, a dog or a cat is skinned alive, the sensations are seen to continue after the skin is taken off?—Yes, I should think so.

40. You stated, under your own observation, cats have often been skinned alive, and you have seen the carcasses and remains thrown by, and even then in convulsions?—Yes.

41. You stated also, that it is the habit with dogs, but you never saw them skin live dogs?—Yes.

42. But you have seen the carcasses alive?—Yes.

43. But you have not the slightest doubt in your own mind about their being skinned alive?—Not the slightest.

44. You have no doubt in your own mind that the same practice with regard to cats takes place with regard to dogs?—Yes; I do not know whether they would take a dog away and skin it or not; a dog will follow a person into a house in the day-time by a stuff which they make, called liver pudding. They may take them to their own houses and skin them. I have known of an instance in Bethnal Green, where there were several dozen of dogs' skins, skins of valuable dogs, found. The skins and the person were had up to Worship-street, but the particulars of the case I cannot state.

45. You stated just now, that the fur was not quite so good if it was bloody as otherwise; just consider a moment that blood is on the fur, the fur must be dyed to be made use of, and blood being on the fur cannot hurt it?—They sell the skins to certain persons, who sell them to the furriers, and if they bring a skin all over blood, they would say this is all in a mess, and would not give so much for it.

46. Not so much by a halfpenny or a penny a skin?—Yes.

47. It does not affect the intrinsic value?—No.

48. If a man was to kill a cat honestly, wishing to do it as clean as possible, would he not hang the cat up by the heels, and cut the throat to save the skin?—It might be done.

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49. I am

8 MINUTES OF EVIDENCE TAKEN BEFORE COMMITTEE

J. Easterbrook.

19 June,
1832.

49. I am supposing a man wishing to kill a cat as honestly as he can, then there would be no daubing of the skin at all; do you imagine a person putting to death his own cat would skin it alive?—I should think he would not.

50. Do you think he would do it if he was not afraid of the consequences?—I should say the only motive he did it from is the fear of being detected.

51. Has it come under your observation that a cat was skinned alive, and attempted to get away?—The cat that was seen in the privy, the policeman heard a noise and went into the place and opened the door, and this man pretended to be sitting down as though he were asleep; he saw something moving in his apron, and on lifting it up the cat jumped out.

52. Half skinned?—The skin half off, and he immediately went to the cat and put an end to it by stamping on it, and brought it for the length of three-quarters of a mile from Shadwell market, and the cat was then alive.

53. Although half skinned?—Yes, although half skinned it was not dead.

54. The cat had so much life in her, that although half skinned she was taken to the watch-house and was alive then?—When the man opened the privy door, she jumped out and run some distance.

55. You stated that these cats were thus treated only from the fear of detection?—I should think so.

56. I understand you to give that answer with reference to the concealment, and taking them to the privy; but you do not mean to say, that the only object in killing the cats in the way you describe is from the fear of detection?—I should say so.

57. How do you reconcile that with your former answer, that you thought cats killed in the way you have described would be more valuable with respect to the fur than cats killed in any other way?—I have not stated that.

58. You stated that the intrinsic value of the fur was not benefited by the cat being killed alive?—No.

59. But if the man took the fur to a furrier, and took also a fur that was bloody, he might get more for a skin that was clean than for a skin that was bloody?—Yes.

60. I understood you to state this; that a skin taken bloody to a furrier, which blood would be necessary if the cat were killed in any other mode than that you have described, would not be purchased by the furrier for so much as the other?—No, it would not.

61. Do I understand that?—Yes, certainly.

62. It is less marketable?—Yes.

63. Is not the result of the skin being bloody, in your opinion, not that the result of the killing of it; if the cat had its throat cut, might it not be so cut as not to stain the skin?—I think not.

64. Does not the apprehension of the skin being bloody arise from the hurry in which he is obliged to do it?—Certainly; I should say there are various reasons for skinning them alive; if I took the trouble to cut a man's throat, it would be some time before it had done bleeding.

65. If they were to cut a cat's throat immediately on taking, it would lead to detection, because the blood would be upon it?—I have so stated.

66. Would a skin bloody in the manner you have described, be as marketable as one without it?—No, I should say not, though the value when manufactured would be equally the same.

67. What have you to state on the subject of dog-fighting?—All I have to state on the subject of dog-fighting is, that a quantity of dogs are kept for the express purpose of dog-fighting and badger-baiting, and those sort of things; they are kept by a person in White's-yard, East Smithfield; persons meet there regularly every week, and there is so much paid for the express purpose of fighting dogs; they have three or four or five dogs in the course of a night sometimes.

68. Is there any particular cruelty practised?—No further than fighting the dogs; the dogs are frequently bit in the legs and jaws and all parts of them, and they keep a dog up as long as he will go in, as they term it.

69. Do you attend these exhibitions often yourself?—I have been two or three times; I have been once, by order of the inspector, to look after some parties that we went to apprehend for felony, knowing they frequent such places.

70. These

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J. Easterbrook.

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70. These dog pits and bear pits are places where felons resort?—Yes; it is an assemblage of bad characters, generally speaking, no respectable persons would go there.

71. Are there many complaints from the neighbourhood?—Not in that part; the neighbourhood is all alike; brothels and bad characters all around.

72. Do you know more than one of these establishments?—Not that are regularly kept up.

73. Do you know whether there are other pits kept?—No; there is frequently dog fighting in a room; they go out and fetch a pair of dogs, and set them to work in the houses in Ratcliffe Highway.

74. Is East Smithfield in your beat?—It is in our district.

75. Do you know several persons who keep dogs?—I know one man in particular who has 20 or 30 dogs.

76. What is his name?—Hemmings, Albion-street, Commercial-road.

77. He has fighting dogs?—Yes, he has dogs; he does not keep them all at home; he has some at different butchers, who feed them on the offal, and whenever they want to fight such and such dogs, they go and fetch them, and bet on them; he had a dog killed about two months back.

78. In fighting?—Yes.

79. That is a matter of common occurrence?—Yes.

80. But he takes care of his dogs, feeds them well?—As soon as ever they have done fighting, he will house them up and cure them; he is one of the first men in the fancy.

81. What in the boxing way?—In the fancy way generally, with a man of the name of Flowers at Bow; they have got the finest dogs for that sort of thing of any men in London.

82. Have you any thing further to state on this subject of dogs?—Nothing further than it is frequently the case to see them ill-used; it is about the worst part of London a man can be situated.

83. You consider it altogether a very bad and disreputable neighbourhood?—Yes.

84. The sum total of your observation with respect to cats and dogs is, that they are constantly in the habit of skinning them alive?—Cats particularly, dogs I never had come under my own personal knowledge.

85. Not from your own personal knowledge?—No; although I know such things are, I cannot say from my own personal knowledge that if they had them at home they might not serve them in the same manner.

86. In your perambulations through the town, have you ever seen dogs treated with cruelty?—In drawing trucks and carts, they are very brutally beaten sometimes.

87. Wantonly and cruelly?—I should say wantonly and cruelly; I have seen a man, or sometimes two men drawn by two dogs, I call that wanton cruelty.

88. That, in your opinion, is wanton cruelty?—Yes.

89. You do not mean generally, but only in particular instances?—You may frequently see it about as much at this end of the town as the other.

90. Was the truck you allude to drawn by one dog or two?—Two dogs; sometimes one and sometimes two. I have seen him with one dog, and not a very large dog either.

91. You believe the dog to be ill-used on those occasions by being over-worked?—Yes; while I was in Ratcliffe Highway district there was a fellmonger's, where they sold sheep's trotters, and people used to come from all parts of the town and buy these trotters, and most of these persons have got these little carts and dogs; and I have seen them come down at three or four o'clock in the morning, drawing a great fellow who was more able to draw the dogs than they to draw him.

92. What is the value of those dogs?—Their value is only for that purpose.

93. What would a good dog of that sort fetch?—Ten shillings, or a pound; it is according to whether a dog works well or not.

94. A good working dog would fetch something?—If a man had got a good working dog, and he was getting his living by it, he would not like to part with it for two or three pounds.

95. A person having a valuable article worth three pounds, would not be inclined to ill-treat it?—I should say not, because the dogs that fetch these things

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things saves the man from fetching them himself in a basket on the top of his head or arm.

96. You say there are many butchers that keep these fighting dogs?—They keep them for these men, their owners; and there are several men, calling themselves respectable in the world, who come to see them fight, and bet upon it; in prize battles, between two famous dogs, they often come.

97. Then the dogs are usually owned by fighting men?—Yes.

98. Can you name to the Committee what part of London it is where the butchers keep these dogs?—There are several at Woolwich and several at Newgate Market; I had it from the man's own mouth.

99. Then you do not know it of your own personal knowledge?—The man told me so himself; in fact I asked him to let me see his dogs out of curiosity, and he showed me this dog I have mentioned lying dead, killed in a battle two or three days before.

100. Do you know of your own personal knowledge any individual butcher who keeps these dogs?—No.

101. I believe you said you knew the man who sent the dogs to the butcher?—Yes.

102. He told you himself?—Yes; I asked him merely out of curiosity to let me see them, and he told me, in the course of conversation, he sent them to the butchers to save the expense of keeping them.

103. What is the name of that individual?—Hemmings; he keeps two brothels.

104. He was in the habit of sending his dogs to the butchers in Newgate Market to be kept?—Yes.

George Lorimer, called in; and Examined.

George Lorimer.

105. PRAY can you state any instances of cruelty that have come under your knowledge, with regard to cats and dogs being skinned alive, or any general instances of cruelty which have come under your observation, since you have been a policeman or before?—On the 25th of last June, I was on duty in Lower Shadwell parish, and I heard the moans of a cat, which I thought a very unusual noise for a cat to make, and I proceeded into the out yard, or out building, and in the privy I saw a man sitting, and I asked him what he was doing there; he had got a knife in his hand, and his hands were on his knees, with a great coarse apron on; I asked him to sit up, which he did not exactly at the time; I took hold of his apron, and immediately a black cat flew out three parts skinned, she jumped about three or four yards from the place where he sat. I immediately went towards the cat, and put my foot upon its head and killed it. I took him into custody to the watch-house, and on searching him I found three more skins of cats; I afterwards went back to the place again, and I found another skin in the privy and a small bag, and in the privy I saw one cat lying skinned.

106. Had that cat any motion, or was it quite dead?—It was quite dead, it was about two hours afterwards; and he was fined 20*l.* for stealing the cat, and 2*s.* the value of the cat, or six months imprisonment.

107. Why was he fined 2*s.* and why was he fined 20*l.*?—The 20*l.* was for stealing the cat, and the 2*s.* was for the value of the cat.

108. He was fined 20*l.* for stealing the cat, and 2*s.* the value of the cat, the owner of the cat having appeared?—Yes.

109. How long have you been on that beat you are describing?—I had been three or four months at that time.

110. That is Shadwell beat?—Yes.

111. Does your beat join Easterbrook's beat?—He was serjeant.

112. You speak of the same neighbourhood that he has done?—Yes.

113. Do you come forward yourself, or do you come forward at the instigation of any body else?—Where?

114. Now to give your evidence?—I was ordered by my superior.

115. The inspector?—The serjeant.

116. Have you had any experience in killing cats?—No.

117. You know it is a very difficult animal to kill?—Yes, I have heard so.

118. Much more difficult than a dog?—I do not know.

119. Do you know whether it is difficult to skin a cat or not?—I do not.

120. Do

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George Lorimer.

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120. Do you know what the value of a cat's skin is?—No.

121. Do you know what they do with the cat skins when they have killed them?—They sell them to the furriers; I believe there are different prices.

122. Do you know what state the furrier requires the cat skins to be in?—No; I believe they are worth more at certain seasons than others.

123. Were the feet of this cat you have been speaking of confined at all?—The skin on the hinder legs was cut.

124. Was she confined by string?—No; he had a coarse apron on like a brewer's apron.

125. What date was this?—On the 25th of June last.

126. You and the other police men have seen different cases of the same description?—Yes.

127. The same case he has alluded to is not the same case you are speaking of?—No.

128. Were they on different nights?—Yes.

129. You have stated that you attended to this in consequence of the complaints made by the neighbourhood?—Yes.

130. Then it must have been a subject of constant occurrence for them to complain?—Yes, the inhabitants used to complain of losing their cats; and besides there was so many carcasses of cats lying about in different places.

131. Consequently so many carcasses of cats lying about in so many places, it is quite clear these cats must have been all skinned alive?—I do not say that.

132. Upon this particular occasion to which you refer, on the 24th or 25th of June, there were altogether six cats found by you in this privy?—I found three or four skins in the man's pocket; and there was the cat I killed myself three parts skinned, and one in the privy, the skin of a cat that had been killed before.

133. Has it ever come under your observation that dogs are served in the same manner that you have described cats to be?—I have understood they are.

134. Have you ever seen the bodies of dogs lying about the same way frequently?—Frequently.

135. And you have no doubt in your own mind that they have been served in the same manner?—I cannot say positively.

136. That is the surmise in your own mind?—Yes.

137. That is the impression made on your mind?—Yes.

138. And if I understand you, you saw this man skinning this cat alive?—Yes.

139. You are perfectly satisfied that those cats were skinned alive?—I should think so.

140. And you have seen the dead bodies of dogs lying about in the same manner?—Yes.

141. You have no doubt in your own mind that they were skinned alive?—Not the least doubt, for yesterday morning I saw a cat lying dead, which appeared as if it had been dead but a few minutes; it looked quite fresh.

142. Then according to the best of your belief, although you cannot say for certain, from what you see, it is a very usual occurrence to catch cats, go into a corner and skin them alive?—Yes.

143. There are persons who get their living by it?—Yes.

144. And also to do the same to dogs?—Yes.

145. What is the reason why they wish to perform this cruelty, is there any advantage arising from it?—I am told they cannot get the skin off when a cat is cold.

146. Is it warm long after it is dead?—No.

147. You have often seen animals with convulsive motions after they have been what you call killed?—Yes.

148. In this instance, in which the cat jumped out from the man's lap in the privy, she was perfectly alive, although half skinned?—And would have got away; three parts of the skin were off, and I carried it three-quarters of a mile along with the man by the collar to the watchhouse, and it was scarcely dead then.

149. Speaking not only of the district to which you belong, but speaking to the best of your belief of the practice in this town, you have no doubt in your own

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George Lorimer.

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own mind that that practice of skinning cats and dogs alive is a common practice?—I have not the least doubt of it.

150. Do you, in the course of your perambulations as officer, see acts of cruelty towards dogs and other domestic animals?—Very often dogs in trucks; ill using them.

151. What do you mean by ill using them?—Beating them with a stick when they will not draw; butchers and bakers.

152. What should you do with a cart with a donkey if it would not draw, would you beat it with a stick or stop also?—There is a medium way of beating things.

153. You mean there is a proper and improper correction?—Yes.

154. One is proper and the other cruelty?—Yes.

155. You think that the treatment of these dogs you refer to having seen, is cruel?—I have seen them with great sticks knocking them about.

156. Decidedly in a brutal way?—Yes.

157. That you have seen done by bakers as well as butchers?—Yes.

158. Respectable men carrying on their trade?—Yes.

159. Can you mention any instances?—Not particularly one more than another.

160. You consider there is a general cruel disposition on the part of the butchers and bakers in Shadwell?—Yes.

161. Butchers and bakers' boys in Shadwell you consider to be a cruel set of people?—Not exactly.

162. Can you mention any instances in which this cruelty has taken place?—Not exactly; there is Leadenhall Market and Newgate Market.

163. Is it your duty to go all over the town?—No.

164. What district are you confined to?—As far as my beat extends.

165. How far does your beat extend?—About twenty minutes walk.

166. Does it extend over Leadenhall and Newgate Markets?—No.

167. Then you are not competent to form an opinion of what passes in Leadenhall and Newgate Markets?—Certainly not.

168. When you have not been employed in your official character, you have been in Newgate Market and Leadenhall Market?—Yes.

169. You see and observe a great many things when you are not on actual duty?—Yes.

170. You are convinced that cruelty towards dogs is very common among the boys of bakers and butchers?—Yes.

171. Those persons who now use dogs to the trucks, are butchers' and bakers' porters?—Yes.

172. They are employed to carry the meat, which is purchased, to various parts of London?—Yes.

173. What do you consider to be the value of a good dog that draws a butcher's truck or a baker's?—Some bakers would not take any money for their dogs.

174. Are they worth 3*l.* or 4*l.*?—Some dogs will not work; it is a difficult thing to get a dog that is used to work.

175. But a good working dog is a valuable article?—No doubt.

176. And a marketable one?—Yes.

177. It is not always the proprietors that ill treat them?—The proprietors of these dogs let them out.

Thomas Young, called in; and Examined.

Thomas Young.

178. WHERE do you live?—In Shadwell.

179. What is your trade?—A porter, to carry sailors' hammocks and chests.

180. Or to do any odd jobs?—Yes.

181. Will you state the circumstances attending the skinning of that cat; state it in your own way?—I had lost several cats before; I brought this one up from a kitten there and in Stepney; I used to wonder where the cats went to; the next morning when I missed this cat, (it was a good cat for killing rats and mice) I went down to the Thames Police, and I found three skins, none of which were the skin of my cat; one was brought out half skinned; it was dead when I saw it; I was sworn before Mr. Broderip the sitting magistrate at the Thames Police, and the man was fined 20*l.* or six months imprisonment.

182. On

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182. On your swearing it was your cat?—There was a private mark by which I identified the cat.

Thomas Young.

183. Was it a black cat?—Yes.

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184. With regard to what has come under your observation, have you any doubt that it is a common practice in your neighbourhood to skin cats alive in the same way your cat was skinned?—I believe it is.

185. What makes you think so?—I see a great many bodies of cats lying about, and the other day my landlord gave his tenant 6d. to bury the bodies of three cats.

186. Have you ever seen the carcasses of cats lying about there?—Yes.

187. And you have no doubt that they were skinned alive?—I believe they cannot get the skins off without skinning them alive.

188. Has it ever come under your knowledge that dogs were skinned alive?—I have seen a great deal of barbarity towards dogs.

189. Give us some instances?—I have seen butchers with fighting dogs fighting them in the streets on Sunday mornings, taking them out to the Mile-End Road, such as bull dogs, they fight them till they die sometimes.

190. Did you ever see the police interfere on those occasions?—I have nothing to do with the police.

191. Have you ever seen the police interfere to prevent it?—Yes.

192. You consider the police to have the power of preventing it?—I cannot exactly say.

193. Where did you see the dogs?—In New Gravel-lane, Whitechapel.

194. Can you recollect what Sunday morning it was?—No, it was two or three years ago.

195. You have not seen it since?—I have not.

196. About two years ago this circumstance occurred?—Yes.

William Butler, called in; and Examined.

197. WHAT division do you belong to?—Kent.

William Butler.

198. The same division as the two last?—Yes.

199. Will you state the particular instances of cruelty to dogs and cats which have come under your knowledge?—I was complained to by the inhabitants about their losing their cats, and I made it my business to go round to see whether I could detect any of them at it. I went round one morning about five o'clock on the 23d of June, and I heard a cry of a person hallooing out stop thief, I went to the spot, and there was a woman following a girl, the girl darted down a passage which is called Elbow-lane, and as I turned round I saw her give a man a cat.

200. What day was that?—On the 23d of June; the man ran away, I catched the girl and gave her in custody to my brother officers, while I pursued the man, he got away.

201. The man got away?—Yes; as I returned I saw a cat lying in the court with her skin all off, the skin completely off, smoking and kicking her hind legs up.

202. You have no doubt in your own mind, that she was alive when she was skinned?—She was moving her legs in this manner when I saw her.

203. Did she breathe?—She was drawing up her legs in this manner, and I took a stone up and threw it at her head to put her out of her misery; I went and told this to the serjeant, and he took me to the watch-house, I gave my evidence before Mr. Broderip at the Thames Police Office, the girl was fined 5*l.* or two months imprisonment for stealing the cat, and 5*s.* the person put as the value of the cat.

204. The person appeared who owned the cat?—The person appeared who saw her take the cat out of her passage, her name is Mrs. Burgess, she has moved from where she lived, or I should have brought her here to day.

205. If the party had not identified the cat you could not have punished the girl?—Through her swearing to her property we were enabled to punish the girl.

206. If this person had not attended to prove the identity of the cat on oath the magistrate could not have punished the girl from what you had seen?—No.

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William Butler.

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207. Do you know that from having applied for and been refused conviction?—They said if the person had not sworn to the property they could not punish her.

208. But if they had not sworn to the property they could not have punished her?—They did not say they could not, but as the person had sworn to the property they could punish her.

209. So that you inferred that they could not punish unless the property was sworn to?—Yes; the next morning I went up to the cells; I heard my brother officer had taken the man; I pointed out the man, and said that is the man that ran away with the cat the other morning likewise, he appeared before the magistrate.

210. It turned out that that was the very man you wished to apprehend?—Yes; and Mr. Broderip said he should like to get off his seat and take a cat-o'-nine-tails and peel every bit of flesh off his bones.

211. Did you hear him say that?—Yes, I did.

212. You have no doubt in your own mind that this is a general practice?—I have seen from 25 to 30 cats lying dead at once in back places of a morning, all apparently as if they had been fresh skinned.

213. Do you know whether it is done with regard to dogs?—I have seen a great many carcasses of dogs lying about in the same way; I have seen them burying dogs frequently in Bow Common; in fact I stopped a man one day; he had a bag with him; I made him turn it out, and he had three dogs, and was going on Bow Common to skin them; he told me they had been bit by mad dogs, and I had no proof to the contrary.

214. Were they dead?—Yes.

215. And skinned?—Not skinned; he was going to skin them.

216. Do you see acts of cruelty frequently towards dogs?—There is a great deal of cruelty towards dogs; I know a man who keeps dogs in his own house for fighting; he has a fighting pit.

217. What is his name?—Hemmings.

218. Have you ever given the assessor notice?—No, it is known by many, because the other night there was a dog fight, and they got out of the coach on my beat; he was tied up in a handkerchief, his jaws were broke, and his legs were bleeding terribly; he belonged to a pork butcher in High-street, Shadwell; Hemmings it was who seconded the winning dog.

219. Do felons and criminals, and persons of that description, resort to these sort of places, dog fights?—Yes, and even in the afternoon at these private pits, which I know Hemmings to have. When I have been on duty in Dock-street I have seen people going in frequently of bad character, and once, for curiosity's sake, I went in myself; it is a room boarded all round, and made a pit of; all boarded up aslant, so that the dogs cannot come out.

220. To keep the dogs in the fighting place?—Yes, and they have got forms one above another, as it is in the playhouse.

221. The worst description of persons attend there?—Yes, dog fanciers and men of bad character; I have seen bad characters go in frequently.

222. Do you know at all what the number of pits in London is?—I do not; there used to be one in the New Inn, Tottenham Court Road. I know there used to be a deal of it carried on there, but I have not been there for two years.

223. Should you say there was a dozen of these pits in London?—Yes.

224. More?—Yes.

225. Have you any means of judging?—No.

226. There are many private ones with which you are unacquainted?—Yes.

227. Have you seen any cruelty practised towards dogs in the streets?—Yes.

228. Not at all necessary?—Yes.

229. Do you know instances in which cruelty is practised by butchers' or bakers' boys?—I have seen butchers' dogs coming up the Commercial Road, driving and flogging the dogs, and the dogs gasping ready to drop. I have gone up and checked them for so doing, and if I had the power, I would have brought them up before a magistrate.

230. If you had the power you would have brought them up?—Yes.

231. You did not feel yourself authorized in so doing?—No, because there is no law as I know of authorizing me to do so. I saw two great chaps the other day put quarters of beef into one of these trucks, drawn by two dogs, and

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and one of them was cutting the dogs with a whip, going at least, I should think, at the rate of five or six miles an hour.

William Butler.

232. For how long?—From opposite Cannon Street Road, down to the George; I went over and pulled one of them out of the cart, and told him he ought to be ashamed of himself for so doing.

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233. What was he in the cart?—Yes.

234. He was most unmercifully driving them beyond their strength?—Yes.

235. Was he cutting them in such a manner, that if you thought the law authorized you, you would have taken him up?—Yes.

236. Do you not see the proprietors of omnibuses driving beyond the strength of the horses sometimes?—There are very few omnibuses on that road; there is only one omnibus and one coach. About the New Road I have seen them drive very fast, and go by one another, but I have not been on that road lately.

237. You know they are easily punished?—Yes.

238. And you know that the legislature had provided a remedy for that purpose?—Yes; we know we are justified in doing it if we were to see the horses in a gallop.

James Yewen, called in; and Examined.

239. I BELIEVE you are an inspector of the Society for the Prevention of Cruelty to Animals?—Yes.

James Yewen.

240. Will you state any specific acts of cruelty which have come under your knowledge with regard to dogs or cats or other animals?—I was attending the Westminster pit some time ago where I live in Duck-lane; three years ago I witnessed a great deal of cruelty. There used to be dogs fighting together till they were nearly dead; when they have fought so long as to be unable to rise, they were put into a tub of water, kept for the purpose, and then set to fight again. Badgers likewise I have seen very much tormented; all the sides and breast and head part where the dogs had bit them, was all in a gore of blood, and some places had begun to putrify. I have seen likewise great cruelty lately with dogs regarding the breaking of them into these trucks; I have seen many boys with large sticks, beat the hind legs; I saw them beat one poor dog till they fainted him.

241. Wantonly and cruelly?—Wantonly and cruelly, because the dog was not used to the truck, therefore it was wantonly.

242. I think you are inspector to the Society for the Prevention of Cruelty to Animals?—Yes.

243. Do you receive any pay?—Yes.

244. Are you aware of an advertisement that was sent to the Times newspaper?—Yes.

245. The gentlemen who have come forward to give evidence, do they receive any remuneration for the evidence they give?—Not as I know of.

246. They will be paid for their time?—I do not know; I myself am a regular servant; I am paid as a regular servant.

247. Do you think the state of Smithfield Market better than it was?—Since the new police have been about, I have not seen the cruelty there formerly was. I have been much pleased with the conduct of some of the drovers; they have spoken to me; I have great knowledge of some of them, and they have been very thankful, the master drovers, because the butchers say the meat is much better than it was formerly, which they attribute to the better conduct of the drovers.

Heron Denny, called in; and Examined.

248. YOU are an inspector of the Society for the Prevention of Cruelty to Animals, I believe?—Yes.

Heron Denny.

249. Have you any particular case of cruelty to state with regard to domestic animals, that has come under your own observation?—I remember seeing great cruelty towards an animal in Oxford-street once.

250. You have witnessed great cruelty to various animals, the hog in particular?—Yes. The animal I allude to had some of its guts hanging out; whether

they

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Heron Denny.

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they were torn out by the dog or no I cannot say, but I saw the man beat it while its entrails were out.

251. Did you take any means to discover the person who was driving?—Being aware that there was no act to punish the man, I did not interfere, for I got myself several times abused by speaking to them.

252. You stated just now that the man was beating him?—Yes.

253. It was to get him along as fast as the others?—Yes.

254. You call that cruelty?—Yes.

255. What was the difficulty of proceeding against him?—There is no law.

256. Have you been unsuccessful with regard to any information you may have laid with regard to hogs?—There was no individual ever brought up.

257. You are aware that there is no Act of Parliament by which you can punish cruelty to the hog?—Yes.

258. How are you convinced, from your own impression of the law, or from having failed in any case brought before a magistrate?—I never failed, because there was no Act of Parliament; the hog was left out of all the Acts.

259. You are a paid officer of the Society?—Yes.

260. And would therefore, in performance of your duty to them as well as from motives of humanity, interfere, provided the law justified your interference?—Yes.

261. Have you frequently seen dogs ill treated?—In the pits where there was dog fighting and badger baiting. I was one of the individuals who interfered as to the pit at Westminster which was suppressed.

262. On the subject of pits, you stated just now, that one pit had been put down by the intervention of the Society to which you belong; will you state in what manner that was done?—It was brought to the Westminster sessions, under the Act against nuisances, not for cruelty.

263. And indicted as a nuisance?—Yes.

264. And what happened?—The owner of the pit was found guilty, and sentenced to six months imprisonment, and he was begged off by the Society, provided he would abandon his pit.

265. Was he imprisoned at all?—Yes, he was, for some time; I am not positive whether he was not all the time; it was a very great nuisance; the Society spoke on his behalf, and wished him not to undergo the punishment.

266. It was proved at the sessions that it was a great public nuisance?—Yes.

267. If the Society had funds, they would indict all the pits in London as nuisances?—I do not know.

268. Have they undertaken some which were not successful?—Yes, there were some that were not successful.

269. Will you mention one?—I think it was one near West-street, Smithfield.

270. What led to the failure of that case?—It was found I believe that they could not bring it forward under the Cruelty Act, and there was no other Act.

271. Why was it not indicted as a nuisance?—I cannot answer that question.

272. Is there any one connected with the Society that can answer that question?—Yes, Mr. Gompertz.

Mr. Gompertz, called in; and Examined.

Mr.
Gompertz.

273. WHAT was the cause of the failure of the indictment?—It was indicted for cruelty and not for nuisance.

274. It failed on account of the indictment being wrong?—The neighbours failed to come forward; in the other case it was indicted by the neighbours themselves.

275. They went forward before the magistrate?—Yes.

276. And gave evidence there?—No, not in that first case; not sufficiently strong to convict the man.

Heron Denny, re-called.

Heron Denny.

277. YOU have no doubt that constant acts of cruelty could be remedied by you or persons having a delegated power, if an increased Bill was the law of the land; you mean to say that Mr. Martin's Bill which only affects cruelty towards cattle, is not sufficient to repress cruelty to animals in general; is that your opinion?—Yes.

Martis, 26^o die Junii, 1832.

WILLIAM ALEXANDER MACKINNON, ESQ. IN THE CHAIR.

John Roach, called in; and Examined.

278. WHERE do you live?—At West-street, West Smithfield.
279. Are you a proprietor of one of the pits kept for fighting dogs?—Yes.
280. And this pit is often attended by people in the neighbourhood?—Yes.
281. Respectable housekeepers?—Yes.
282. Have you ever heard that they have made any complaint of the way in which that pit is conducted?—Never since I have conducted it, which is ten years.
283. Have any robberies ever been committed in that pit?—Never.
284. What sort of fights take place there?—Dogs; nothing else.
285. You are acquainted with the value of dogs; what is the average value of a good fighting dog?—A good fighting dog sometimes fetches three, four or five guineas.
286. Have you known them to fetch more than that?—Yes, I have known them to fetch ten.
287. Did you know a famous dog of the name of Billy?—Yes.
288. How old was he when he died?—Twelve or thirteen years old.
289. Can you at all calculate how many battles he had fought?—I think, to the best of my recollection, fourteen or fifteen.
290. What did he die of?—Of old age, and is now stuffed in a case.
291. It is not a usual circumstance for dogs to fight five or six battles and not to be the worse for it?—I have one now at home that has fought six battles, and you can scarcely see a scar on him.
292. Will you have the goodness to state how many pits for fighting dogs there are now in London?—I think there are four.
293. Cox's, your own, Clark's, and Weatherhead's?—Yes.
294. Are you aware of any other?—Yes, I believe there is one more, at Deptford, I think.
295. Can you take upon you to say that the number of pits in London is less than the number of pits was five years ago?—Yes, they certainly are.
296. Can you state how many fewer; one, or two, or three?—I think about two.
297. Can you give any opinion as to whether, if those pits were put down, dog-fighting would cease to exist?—I should think it would create a greater nuisance, because there were persons who, before those pits were, used to be in the habit of taking them out in the fields and fighting them.
298. Do you think there would be any fights in private rooms?—There are sure to be.
299. Are there gentlemen that are much interested in those fights?—Yes.
300. Who give great prices for the dogs?—Yes.
301. And who, you think, would be inclined to have those fights in private rooms if pits did not exist?—Yes.
302. Is there much betting about your neighbourhood?—Yes; there is small betting, not great bets; there are many gentlemen that have dogs for amusement for themselves.
303. Are the pits attended by the same characters as attend races?—No, I do not know that they are; they are the same that attend man-fighting; there are a great many gentlemen that train dogs for fighting that never bet a farthing.
304. Is a dog ever killed in a fight?—I never knew but one, and then he had a fit.
305. You keep the dog-pit; you are the proprietor of it?—Yes.
306. And you obtain your livelihood by that?—Yes; and by keeping the dogs, and by rearing them to send abroad.
307. Of course if there was any Bill to be passed putting down dog-fighting, that would be a great injury to you?—It would be a great injury, of course.
308. You say that you have seen some dogs that have fought and hardly had a scar upon them; those must be very good dogs?—Very quiet dogs.
309. They must be valuable dogs, must they not?—Yes.

John Roach

26 June,
1832.

18 MINUTES OF EVIDENCE TAKEN BEFORE COMMITTEE

John Roach.

26 June,
1832.

310. You have some dogs that will not fight at all?—We have dogs that will not fight at all.

311. What is done with them?—They are sent abroad for breeding.

312. Have you many dogs that are much scarred from fighting?—None.

313. Do you mean that no scar ever occurs in the fight?—No.

314. Are the Committee to understand you to say, with regard to scars, that the dog, not immediately after fighting has no scar, but that the dog on recovering from his fight has no scar?—None at all; for immediately after they have done fighting they are put into a warm bath and given beef tea, if they want it; some do not want it; sometimes if a dog is a little exhausted we give him a drop of brandy and water, and then give him some beef tea, and then put him in a warm bath, and afterwards into a clean bed of straw, and then put him before the fire and dress his wounds.

315. Have you ever had a dog killed in a fight?—No, I have had only one killed, and that was in a fit.

316. Had you never one that you were obliged to kill afterwards, because he was so much injured in the fight?—No, because it is so now, that if the dog is put to, he has no occasion to fight without he likes; if he goes away from his dog, he is immediately picked out, and put in the corner, and then he is spunged out, and given some drink to, and then there is an umpire, and there is one minute time given; if the dog refuses to go when the time has expired of the minute, he is declared the loser, and then taken away.

317. Do you mean that a dog that fights badly does not get very often injured?—No, because if he fights badly he is taken away.

318. In short, if a dog shows no pluck, he is not injured by the dog that shows pluck?—No.

319. But it never happens that a dog is so injured that you have to kill him afterwards?—No.

320. What is the system of training dogs to fight?—We generally physic them and bleed them; and then we take them to the fields with a strap and collar, and never let them loose till they get to the fields, and then let them run about, and afterwards bring them home and feed them.

321. How long does it take to train a dog?—A month; they are fed with shins of beef.

322. Is it only one species of dog that will fight?—Yes, the bull-dog.

323. You consider that that is a species of dog adapted to fight?—Yes.

324. What induces you to come here and give evidence before this Committee?—I have been asked to come here to explain things about dogs, how they are fed.

325. You are not paid for coming forward?—No.

326. But you have a direct interest in coming forward, have you not?—Yes.

327. You have been told that there is a Bill going on against dog-pits, and you have been asked to give your evidence respecting it?—Yes.

328. You have no other fighting at your dog-pit, no cock-fighting?—No.

329. Do you know much upon the subject of cock-fighting?—Yes, I have seen cock-fighting.

330. Have you heard of some of the great people of the land being patrons of it?—Yes, lords.

331. Have you heard of Lord Darnley and Lord Anson being patrons of them?—Yes.

332. And also Sir Harry Goodrich?—Yes.

333. Did it never happen that a felon was taken up and arrested in your pit at dog-fights?—Never; I can be upon my oath I never allow such persons.

334. You can swear that, to the best of your recollection, no offence ever happened at the pit to oblige you to call in the police, or that led to any violation of the law?—Never.

335. It is an orderly pit in general?—Yes, I can call every neighbour within a mile of the place to swear to that.

336. Should you have any difficulty in getting up a petition from your neighbours in favour of this?—Not the least.

337. And you allow no cruelty to be practised in it?—No; the dogs are in a clean stable, and well fed; kept cleanly every day.

338. You said that the dog Billy was not injured in fights; how did he lose his eye?—He lost his eye by fighting.

339. But

ON BILL FOR PREVENTION OF CRUELTY TO ANIMALS. 19

John Rotch.

26 June,
1832.

339. But you said just now that no dogs were ever injured by fighting?—I could not speak as to a mere speck, but I mean what is called cruelty, such as tearing them to pieces.

340. You do not call a loss of an eye an injury?—He did not lose it, he lost the sight of it.

341. Are you sure there are no more pits than those which you have mentioned?—I am not aware of any.

342. But whether there are or not you cannot say?—I cannot say.

343. All that you know is that there are five pits that you know of?—Yes.

344. But there may be a great number besides that you have no knowledge of?—Yes, but I should know them, I dare say, if there were any more.

345. Did you ever hear that the fighting brought on hydrophobia?—No, I never did.

346. Did you ever hear of a veterinary surgeon in this city, of the name of Youatt; did you ever hear that he states distinctly that the hydrophobia is extended in this country by the dogs being highly trained, and in that state of excitement being brought to fight one against another?—I have heard that he has stated it so, but I can deny it, and likewise many more; he has never had the experience that I have. I have been bit by fighting dogs in my face and hands, from teasing them, and so on. I say that of all the dogs that are mad, no man can come forward as long as ever I live and say that those are fighting dogs; it is those dogs that run about the streets loose and pick things up on the road, and run after the females, licking all kind of filth and dirt, that go mad.

347. You have never been abroad, have you?—No.

348. Therefore you know nothing of dogs of other countries?—No.

349. You say that bull-dogs are the only fighting dogs; do you mean to say that terriers are never bred to fight against each other?—Never; I never knew a terrier that would take to fighting without he was bred by a bull-dog and a terrier; the Scotch terriers are bred of the bull-dog and the terrier, and they will fight.

350. You have stated just now that the dogs were not the worse for fighting, but did you not say that when the fight was over you laid them by the fire because they were so much exhausted by the fight?—We always do that.

351. Are they so much exhausted as not to be able to move?—No, but we generally make it a rule to give them that; many dogs walk after having fought; many gentlemen take their dogs home with them that have fought.

352. You stated that your pit is chiefly intended for dog-fighting; do no other animals fight in that pit than dogs?—Not at all, except the badger is baited.

353. How often will one badger be baited?—It will be baited on the Monday night, and then he will rest for the week.

354. How long will he live in this manner?—I had a badger which lived for two years, and I took nine pounds of fat off him afterwards.

355. You have no bears baited?—No.

356. How do you fasten the badger?—We do not fasten him; we put him in a box, and there may be as many as five or six dogs that go in, and never can get him out. We do this because they should not be hurt; that if the dog lays hold on him he should pull him out easy; but in the country they dig holes, and the dog stays in for ten minutes or a quarter of an hour.

357. Do you mean to say, generally speaking, that those fighting pits are not assemblages of improper and loose persons?—Yes; I mean to say that they are not.

358. Are they not so in general?—No; I can speak of my own.

359. Do you mean to say that, to the best of your knowledge and belief, loose persons and persons of bad character do not make it the custom to attend those pits?—They do not.

360. What sort of people attend?—Tradespeople.

361. What do you get from each person?—Sixpence.

362. Every body that pays sixpence you admit?—Yes, generally.

363. You will not allow any person you do not know?—I will not allow any loose sort of people into my place.

364. You mean to say that if any reputed thief came to the door and offered his sixpence you would kick him out?—Yes, I would send him away.

667.

C 2

365. But

20 MINUTES OF EVIDENCE TAKEN BEFORE COMMITTEE

John Roach.
26 June,
1832.

365. But if a man comes and offers sixpence, if you do not know him personally, you let him in, do you not?—Of course, a decent sort of person I do not object to.

366. What you mean to say is, that the general character of the persons is apparently respectable?—Yes.

367. Is there much bull-baiting in London now?—None that I know of.

368. Who gave the last Silver Collar; was it an Honourable Member of this House?—I believe it was; I am sure I cannot tell.

369. How often, upon the average, does a fight take place at your pit?—Sometimes not for a month.

370. And when it does take place, how many dogs fight upon an average?—Two.

371. Is there only one fight?—There is only one fight.

372. Do you mean to say that people come there and pay sixpence in order to see two dogs fight?—Yes.

373. How does the pit answer to you, if you only have fights once a month?—Those are matches that I speak of; we have fights twice a week.

374. Have you never a dog so disabled in the fight that it will not do to fight it again?—Never.

375. Do you mean to say, that his legs are never bit, or his tongue bit, or his nose bit so severely as to disable him from fighting again?—No; he gets disabled for a time from the bites, but we get him well again.

376. How long do your fights last?—Sometimes they do not last ten minutes; sometimes half an hour.

377. And yet although they sometimes last half an hour, you never have a dog seriously injured in those fights?—No; I have known fights last an hour, and yet the dogs not get injured.

378. How many matches are there in your pit in the course of a year?—Eight or ten matches.

379. How many dogs fight in the course of a year?—I cannot say.

380. How many in the course of a week?—Four or five couples.

381. You would allow any dogs to fight that were brought to the pit?—Yes.

382. You weigh the dogs in order to see that they are equal?—Yes, they do not give each other an ounce; they are put on the scale and weighed exactly.

383. If one dog is heavier than the other, how do you remedy that?—We fight only stipulated weight; we know pretty well from the size how to match them equally, because there is no person that sees one dog but will know whether the other will match him.

384. How many dogs are sent by you on board ships for captains going abroad?—A great quantity.

385. For what purpose do they take them?—I do not know; they come there and see the dogs, and try them, and then offer me a sum for them, and I sell the dog.

386. When you say they try the dog, you mean they put him against another dog?—Yes they put them together.

387. Does a gentleman, when he comes to you to buy a dog, say to you, "Let me see his power," before he will buy him?—Yes.

388. And he gives you more or less according to the power of that dog?—Yes.

389. Will you explain to the Committee how you bring the dogs to an equal weight?—We know the size of them pretty well, and then we take them out into the fields and run them about, and when we bring them home we weigh them.

390. Do you try to make the light dog heavier, in order to match him with the other?—No; we can generally tell their weights; if a gentleman comes to me and brings a dog, I say, it is such and such a weight; then he says, "Have you one of such a weight?" and if I have I match them.

391. How many dogs have you now belonging to you?—Six or seven; I keep them for different people; I do not keep them for myself, but I keep them for gentlemen, and doctor them.

William Hemmings, called in ; and Examined.

392. ARE you a feeder of dogs?—Yes, I am.
393. Living in the Commercial Road?—Yes.
394. Have you constant communication with gentlemen upon the subject of dogs?—Yes ; I am a dog doctor and dog fancier.
395. You sell dogs, do not you?—Yes.
396. What sort of price do fighting dogs fetch?—That is according to the goodness of them.
397. It varies from what sum to what?—From one guinea to twenty.
398. Have you known a dog sell for twenty?—I have sold them for twenty ; and I have sold young ones for ten, good breeders.
399. Do you happen to know at all whether fighting dogs will fight many battles or few battles ; how many battles will they fight?—It is according to the constitution of the dog.
400. Have you known some dogs fight a good many?—I have.
401. How many battles have you known a dog to fight?—I have one that fought seven battles.
402. Is that dog in good condition now?—Yes.
403. And you attach considerable value to him?—I do ; now she is put by on purpose to breed from.
404. You put this bitch by to breed from, although she has fought so many battles?—Yes ; as she is such a good bitch her puppies will fetch me a good deal of money.
405. How many fighting pits are there in London?—Four ; John Roach's, Jem Cox's, William Weatherhead's, and George Clark's.
406. Do not you know of any other pits in London?—There is one of a young man attempting to begin, but I do not call that a pit, because I have never fought a match there ; it is close to Roach's. I think it would be of no service to him.
407. Are you aware of any fighting pits at Deptford?—Yes, there is one at Deptford.
408. Can you state to the Committee whether those pits have increased in number or decreased of late years?—Decreased ; there were men that used to be in full play with them ; gentlemen used to patronize them.
409. What broke that up?—A gentleman got a parcel of ladies to sign a petition against them.
410. What is a pit worth to a man now?—It depends upon the luck of a man.
411. If a man is a lucky man, how much is it worth to him?—I should think it was worth about a guinea a week.
412. Have you ever heard it said that fighting dogs are more apt to go mad than other dogs?—As different as light from darkness is that ; I never heard of a fighting dog going mad.
413. What class of dogs do you imagine most likely to go mad?—The dogs that run about in the streets, cur dogs ; I never saw any fighting dogs go mad ; I have seen curs go mad.
414. Will you tell the Committee whether, from your experience of dogs, you imagine it would be possible to make a fighting dog out of any other dog than the bull species?—Bull-dogs are not all fighting dogs ; but if it is the bull mixed with a terrier that is the best sort.
415. You cannot make a dog fight that has no inclination to fight?—No.
416. That is beyond your skill, is it not?—Yes.
417. And you consider yourself a doctor of great experience?—Yes, I have had great experience.
418. Do you consider that great cruelty is practised at those pits?—No, because if the dog turns away he is picked up immediately ; the dog must go to the fight of his own accord, or the fight is over.
419. Are you in the habit of frequenting those pits yourself?—Yes.
420. Have you ever heard of any robberies being committed there?—Never.
421. Have you any knowledge of the class of people that frequent those pits?—Yes.
422. You know them to be what is called sporting gentlemen?—Yes.
423. Have you any knowledge of cock-fighting?—Yes.
424. You know that that is very much patronized by the higher orders?—Yes.

William Hemmings

26 June,
1832.

22 MINUTES OF EVIDENCE TAKEN BEFORE COMMITTEE

William Hemmings.

26 June,
1832.

425. There used to be bull-baiting some years ago?—There was.
426. Did not Lord Lowther give a silver collar upon one occasion?—Yes, many silver collars.
427. According to your idea, except the wound that the dogs might get in the fight, they are treated with the greatest care and the greatest humanity?—Yes, I can answer for that.
428. How long does it take you to train a dog for fighting?—A month, if a dog is in good condition when I receive him.
429. You said that one dog had fought seven fights, and that was a very good constitution?—Yes, and I dare say she could fight seven more.
430. How many fights would a common dog fight?—He is fit for nothing if he has not a good constitution.
431. Why might they not fight thirty or forty battles?—They would never live long enough.
432. What age was the dog Billy when he died?—I cannot tell, but I should think he was twenty years old.
433. You are a dog fancier; when dogs are hurt in fighting, do you attend the bad cases as well as the good cases?—Yes; I never neglect them; if I did I should lose my business.
434. When they are seriously injured, what kind of wounds do they generally have?—They bite one another; if the one is a better breed than the other, he is done with, he is not good, and then he will do to go abroad; hundreds and thousands do that.
435. The dog is never so injured by a fight that you are obliged to kill it afterwards?—No, I would engage to cure any dog after a fight.
436. Do you think that a dog is never so injured, that he cannot fight again?—No.
437. Do you mean that a dog does not ever die from the effects of a fight, or that he is never so much injured that he cannot fight again?—No.
438. What are the worst kind of cases of fighting dogs?—That is when they fight a long while.
439. And then sometimes they are seriously injured?—Yes; some dogs will fight for a long time, and others for a short time.
440. But in cases where dogs are seriously injured you attend them?—I do.
441. What induced you to give your evidence before this Committee; were you asked to come up and give your evidence?—I came to give the Committee satisfaction upon the subject.
442. Were you asked to do so; did anybody mention to you that there was evidence to be given here?—I had heard that there was to be a meeting here; I gave myself the trouble, because I found it to be my interest, to go to John Roach, and ask him to come up. I said to him “Will you go with me to give evidence before the Committee?” and he said, “Yes, I will.”
443. In fact your business as a dog doctor would be injured if this Bill were passed?—That is the very thing.
444. You received no money for coming here?—No.
445. You have had great experience of dogs; what complaints do you find dogs most frequently die of?—That I cannot say.
446. You are not in the habit of curing other dogs than fighting ones?—Yes; I have got spaniels now at home belonging to ladies.
447. Is not the general disease an enlargement of the liver?—Yes; a dog very often dies from being over-fed.
448. How do you account for the decrease of the pits which you have stated has taken place?—I have done with mine; I found there was very little benefit from it.
449. Was it considered a nuisance by the neighbourhood?—No.
450. Have you ever heard that any of those pits were considered a nuisance?—No; respectable people live all round them.
451. You stated that you were a doctor of dogs; do you know a Mr. Yoratt, a veterinary surgeon?—I do not know him; but I have heard of the name.
452. Did you ever hear that he has stated distinctly that the hydrophobia in this country is brought on by fighting dogs?—I never heard that he did so.
453. And in your estimation it does not arise from fighting dogs?—No; because a fighting dog is taken out every day in the fields, and fed well.
454. Can you account for that disease being so much more prevalent in this country than in other countries?—No, I cannot.

455. You

William Hemmings.

455. You are aware that hydrophobia does prevail to a great extent in this country?—There is an oration put abroad about it; but I have not seen a mad dog this season, and I have not seen or heard of any person that has seen one.

26 June,
1832.

456. You said that the pits with which you are acquainted were frequented by individuals; are those respectable individuals or other individuals?—Yes, respectable.

457. How do you know that they are respectable?—Because I am convinced that they are; gentlemen and tradesmen.

458. How do you know but that they are pickpockets and thieves?—Pickpockets do not come to such places.

459. How do you know, unless you are acquainted with all the persons that attend your pit, whether some of the persons are not pickpockets?—I know them by sight.

460. But you would not refuse admission to a stranger if he paid his 6d.?—No.

461. You state that it is no great exertion for a dog to fight, and yet your dogs never fight more than once in one year; that none of the dogs you were acquainted with ever could fight more than once in the year; what is the reason that they do not fight more frequently?—I do not fight them; but I have my dogs for breeding more than for anything else, and if I was to fight them it would injure them for breeding.

462. You stated that that bitch which fought seven battles fought twice in one year; did you breed her at that time?—Yes; I never want them to fight more than twice; they could fight six times a year if I wanted them to do it.

463. You have stated that you seldom, if ever, made your dogs to fight more than twice in one year; is that because it requires a good deal of preparation and a good deal of care of the animal after the fight is over, and because it is impossible that this can take place without a good deal of time being occupied, and also a great deal of suffering on the part of the dogs?—No, it is not from that.

464. That is your system, not to fight your dogs more frequently; but other dog fanciers and dog doctors pursue a different system?—Quite different.

465. You say that you keep those dogs for the purpose of fighting; if you can fight a dog once a month or twice a month instead of once a year, why do you not keep fewer dogs and do that?—I keep a dog or two, or a bitch or two, and they are very valuable; and I am a poor man, and therefore it suits me better to take in dogs of gentlemen than to keep dogs of my own.

466. Why do you not fight them oftener?—Perhaps you cannot get a match for them; my bitch was kept for two years and could not get a dog to fight against her.

467. That may happen in particular cases, but must not that be very rare?—There are very few old fanciers but what have got good dogs in the profession, who are open to fight.

468. You think it, do you not, impossible, that if fighting dogs were inclined to go mad, you should be ignorant of the fact?—Indeed I do.

469. You know a little about cock-fighting?—Yes.

470. Is the training of cocks for fighting more cruel than the training of dogs?—Yes, decidedly so.

471. The training of dogs is cruel too, is it?—No, I think there is no cruelty in training a dog, in taking a dog out into the field, if you take the best care of him for fear of losing him.

472. What description of dog, generally speaking, of those which have come under your observation, is that which is most likely to become mad?—I think it is the dog that runs about the street, and picks up mud and dirt; I never saw a fighting dog that ever went mad.

473. You seem to doubt the fact, that madness is so prevalent as the people in general think it to be?—I do; I saw a dog myself this time twelvemonth; the dog was no more mad than I was mad; a parcel of people drove him from his master, and then said “There goes a mad dog! there goes a mad dog!” he ran away from them into a stable, and I went down stairs, and I saw the actions of the people in the street, and I said “The dog is not mad;” and I went to the stable to him, and as soon as he saw that I was going to treat him kindly he wagged his tail and was quite quiet.

474. Those fighting dogs give considerable sport to the people who go to the pits?—Yes, as much as any other sport.

Mercurii, 4° die Julii, 1832.

WILLIAM ALEXANDER MACKINNON, ESQUIRE, IN THE CHAIR.

Mr. *William Youatt*, called in; and Examined.

Mr.
William Youatt.

4 July,
1832.

475. WHAT is your profession?—A veterinary surgeon.
476. Where do you reside?—No. 3, Nassau-street, Middlesex Hospital.
477. Are you a member of any college?—I am Lecturer on Veterinary Medicine at the University of London.

478. Have you witnessed any of those dog-fights, or have any come under your own knowledge?—I have been twice, and twice only, at dog-fights. I had a young man who was behaving very badly, and I went to see what kind of place it was; for he used to go to it.

479. In your opinion is it a cruel sport or not?—The public meeting was not; there was no cruelty; I can hardly call it a cruel fight; and there was a great deal of apparent fairness about it; but the private meeting was cruel.

480. Were the dogs much lacerated?—A dog was killed at the private meeting.

481. Then, in your opinion, a good deal of cruelty does arise in the private fights, but not much in the public fights?—So far as my personal experience goes, I can speak to those two evenings, and those only; but if I were asked with regard to the accounts which I have had from persons that bring me their dogs from those places, I believe I could give an opinion made up of that; but otherwise, of my own personal experience, I could not go beyond those two nights.

482. Do you believe the dogs are much lacerated and torn in those fights?—There is no doubt that at every contested fight they are very much so.

483. Do you believe they are generally improper and bad characters who assemble in those pits?—I have no doubt of that.

484. You consider, therefore, that the continuance of those pits is injurious to the morals of the community?—I am sure of it; I have a thousand proofs of that.

485. Do you consider that the fighting of those dogs has any tendency, not indeed to create, but to propagate, hydrophobia?—To propagate it, certainly it has.

486. In what way; will you state to the Committee?—The disposition to do mischief in rabid dogs depends on the previous temper and acquired habits of the dog; and a dog trained to fight, labouring under rabies, does ten times the mischief of a petty dog, of even a pointer or setter, or even a sporting dog.

487. Then, in your opinion, you account in some measure for hydrophobia being so general in England by those dog-pits?—No, I can hardly go to that extent; I go on this account: for fifteen years, I believe, I was the only veterinary surgeon, succeeding to Mr. Blain, who practised on domesticated animals generally; and those cases came under my notice; and I believe I may say, without exaggeration, that more than a thousand cases of rabies have been brought under my notice.

488. For what period?—Twenty years.

489. You say for twenty years; you are speaking of your practice in the metropolis and this neighbourhood?—Yes, I can speak of more than that; of 2,000 cases I may say.

490. Will you state to the Committee how, in your opinion, the rabies is increased or propagated by this fighting?—I can only give the answer that I did before, that the disposition to fight depends upon the previous temper of the dog and his previous habits.

491. That is, a dog that is trained to be a fighting dog is more savage than other dogs, and will bite more?—A dog that has been trained to fight will seek out for victims; a petty dog will only fight when he is put to it.

492. Therefore

492. Therefore if those dog-pits were no longer in existence, canine madness would not be so likely to be propagated as it is at present?—It would be lessened.

493. The dog-fights have a tendency to increase canine madness?—To propagate it.

494. You, speaking in your character as a veterinary surgeon, object to dog-pits on account of their cruelty, on account of the bad assemblies of persons who frequent them, and also on account of the propagation of rabies which thereby arises?—Yes.

495. You say that you never saw any cruelty practised upon those dogs in public?—I attended two meetings, and two meetings only. I had an apprentice, who, when he first came to me, was a very good young man, but he got bad associates, and became very depraved; I understood that he frequented the dog-pits, and I went to one of those pits in Tottenham-court Road; there was some desperate fighting, but I put that pretty nearly on the same footing with the fighting of human beings; dogs will fight; there was no unfair fighting.

496. You put dog-fighting on a par with pugilistic fighting?—Yes.

497. And it is a kind of sport, is it not?—The dogs are disposed to fight, and will fight, and they are trained for the purpose.

498. You mentioned that a young man, whom you had, became very much depraved; do not you think that the habit that he had of going to those pits assisted very much to his demoralization?—I am sure it did; I trace his depravement entirely to his going to those pits.

499. You say that in private you have seen a dog killed; give the Committee a description of that battle that you saw a dog killed at?—It was a young dog; his first trial at the same pit; he would not fight; and what was done that evening, and which I believe is the practice, was that he is made to fight; one dog is set upon him; I understand their best dogs set upon him; and this powerful dog was set upon him, and fairly killed him; the poor fellow did not fight, and would not fight.

500. How was the dog killed?—Torn to pieces.

501. You saw this yourself?—Yes.

502. But you say that people have described other scenes to you?—Yes.

503. Like those that you have been relating?—A great deal worse.

504. You say that dog-fighting has a tendency to propagate hydrophobia; do you mean that it is the training of the dog that sends him mad, or is it the natural inclination of that animal more than of any other description of the dog to go mad?—No, neither the one nor the other; I do not believe that the habits of the dog or the fighting have any tendency to produce hydrophobia.

505. It is only their nature, they being bull-dogs, that is the cause of it?—No, I do not believe that it is more prevalent in the bull-dog than in any other dog; except that he is more liable to be bit than any other dog.

506. The bull-dog, when he goes mad, is likely to produce a much greater mischief than another dog?—Certainly.

507. Is it not your opinion that the fact of the fighting of dogs has a tendency to increase the number of the fighting dogs considerably, and keeps up the breed?—It does so indirectly, as giving a value to that dog.

508. The fighting dogs that are bred for fighting, crack dogs, and dogs of that description, are more likely to quarrel and to bite other dogs in the street, are they not?—No, I do not think they are.

509. Are they not more so than spaniels and dogs of that nature?—No, I think not.

510. Do not you conceive that lap-dogs and pet dogs are liable to go mad more so than other dogs?—I do not believe any dog goes mad except he is bitten; I believe that the disease is propagated by the bite of a rabid animal, and that only.

511. That must originate somewhere?—So did other diseases, the small-pox and others.

512. You mean that a long interval of time may elapse between the moment at which madness may be caught and that when it again appears; do you mean to say that the disease lies dormant?—The disease undoubtedly lies dormant for an indefinite length of time, from three weeks to six or eight months.

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513. You are decidedly of opinion that if a dog unbitten gives at all the appearances of hydrophobia, he will not go entirely mad?—Yes.

514. Do you lay that down as a proposition?—Yes.

515. You stated that you have been only twice in dog-pits?—Yes.

516. You stated to the Committee that on one occasion it was at a public, and on another it was at a private meeting?—Yes.

517. Will you have the goodness to explain to the Committee the difference between a public and a private meeting?—A private meeting is for badger-baiting and those fights which are not permitted to come before the public, for the purpose of trying young dogs as much as anything.

518. Do you know on what ground those exhibitions are not made public?—The conclusion that I should draw from what I saw that night would be from the barbarity.

519. You believe that the proprietors conceive that if that barbarity was made public, it would be the subject of legal process?—The conclusion that I draw is from one fact only, but the conclusions that have been forced upon my mind from the facts that have been stated to me year after year are, that if one-half of the barbarity that is practised in these meetings came before the public, they could not be suffered to exist.

520. Had you any difficulty in getting admission to those meetings?—I went through the medium of a groom who attended those pits, and was as bad, I believe, as most of them.

521. Do you believe that you would have had any difficulty in gaining admission if you had not gone with him?—I think not.

522. You are not aware what the regulations are, of the public and private meetings, in those places?—No, I am not.

523. The Committee understand you to say that your opinion is, that no dog goes mad unless that dog be bit?—Yes.

524. Does it not follow from that circumstance that all dogs have an equal chance, either the small spaniel or the bull-dog, of going mad?—It depends upon his exposure to the only cause of madness, whether he goes out a good deal or unprotected.

525. The nature of the dog has nothing to do then with his liability to going mad?—I think not.

526. You have stated that you have observed in the course of a practice of twenty years, 1,000 cases of rabies?—More than that a great deal.

527. Are all the cases that occur recorded in medical works?—No, not one-tenth; with regard to dogs, the cases of rabies recorded are very few.

528. Are there not an amazing number of cases recorded in the Philosophical Transactions, and in the Edinburgh Medical Journals?—There are cases recorded, but not many compared with the whole.

529. In the eleventh volume of the Edinburgh Medical Journal, there is a case of Sophia Steerman; she was bit by one of two dogs fighting with each other, and died; this occurred at Bremen; and in the first volume of the Medico-Chirurgical Transactions, in page 136, of a man bitten by a little dog, which he was setting on to fight, and which attempted to bite his master, and did bite him, and his master died?—I should say with regard to the first of those two cases, that the history of the dogs would explain the result whether they both died after they were separated; I am not acquainted with the cases, but the simple fact of the dog being dead, would render it likely that he was rabid.

530. Are dogs trained for fighting abroad?—Not so much, I believe; they are too much now, I believe, in Paris.

531. Is hydrophobia confined to this country?—No; it does not exist in a great many countries.

532. Do the foreign medical works contain a great many entries of this disease?—The French and German works contain a great many.

533. Then you state your impression is, that dogs are not trained for fighting dogs on the Continent?—Not so much; they are a great deal too much in France, and in Paris particularly.

534. Can you state, since that has been the fact, whether more cases of hydrophobia have occurred abroad than before that period?—No, I cannot.

535. On the whole of the cases of hydrophobia that have come under your consideration, have many been cases of fighting-dogs?—Of the terrier and its varieties, I should say a decided majority; I will not say that in the majority of

of the cases they have been bitten by dogs trained for fighting, but dogs belonging to that breed and its varieties.

536. Have they not generally been dogs that have been highly kept, lap-dogs and small spaniels and small terriers, and that description of dog?—No, not one case in three; perhaps you might say more; not one case in three or four.

537. What species of dogs have they generally been that composed the cases of hydrophobia which have been under your care?—Dogs that have become rabid of all sorts and kinds.

538. Have you, in tracing the disease, come to any impression that one species of dog is more subject to be bitten than another?—No, it depends upon his being exposed to the danger of being bitten, and perhaps to his own natural temper, whether he is quiet or not.

539. But the more savage a dog is, the more you would imagine that rabies would be engendered?—Yes.

540. You have often seen the dogs at the Zoological Gardens; those are chained; are they ever unchained?—They are not.

541. Do you imagine that the chaining them would have any tendency to produce rabies?—I saw two cases of rabies in the Zoological Gardens, which I was deputed to examine into, and could not exactly account for; the dogs were decidedly rabid, and I attributed that to the neglect of the keepers, that some strange dogs had come in and bitten those dogs.

542. Do you think that the number of stray dogs in the streets has any tendency to produce hydrophobia?—No further than they are exposed to the danger of being bitten; it might be generated in that way.

543. With regard to the disposition and temper of dogs, nature has implanted very different dispositions and tempers in different species of dogs?—Undoubtedly.

544. It would be quite absurd to suppose that any treatment would make a bull-dog or mastiff as great a pet and as quiet an animal as a lap-dog, would it not?—As far as my experience has gone, the bull-dog and the mastiff are the most harmless of all dogs; it is the mixture of the bull and the terrier that does the mischief.

545. The mixture of the bull-dog and the terrier creates a much more savagely disposed class of dog than any other class?—I believe so.

546. How do you account for that?—I am unable to account for it; the bull-dog, except he is set on to fight, is not a dog disposed to fight; when he once begins, he will go on, but he is not disposed to begin a quarrel, nor is the mastiff.

547. You have said that to those pits, of which you have heard a great deal, bad company is in the habit of resorting?—Yes.

548. In pits where cock-fighting goes on, does the same thing occur?—I never saw a cock-fight, but I should imagine so.

549. Have you reason to believe, from what you have heard, that a cock-fight is more cruel than a dog-fight?—I should put the cock-fight nearly upon a level with the public exhibition of the dog-fight.

550. In the case of all the dogs that have been brought to you for the disease of hydrophobia, have you ascertained that they have been bit?—The greater part by far.

551. But not all?—No.

552. Have they shown marks of being bitten?—No, I have spent an hour in examining a dog that had become rabid, but could not find the bite from the thickness of the hair.

553. But most of the dogs that have become mad have been bitten?—Yes; and in the case of others, there was a probability of their being bitten. It is a very difficult thing, except it be a lacerated wound, to discover the wound; you may search for an hour, and not find it.

554. Do you say that the dogs that are bitten in the glands show any marks of where they are bitten?—No, I did not see them when they were bitten in the glands.

555. When you examined them, did they show any marks of being bitten?—No.

556. Is the mixture of the bull and terrier the general species of dog that is used in dog-fighting?—Yes.

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William Youatt.

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Mr.
William Youatt.

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1832.

557. How many cases of hydrophobia have you had come under your observation in the course of a year on an average?—I think three years ago I had from January to June, five months, more than 250 cases, when rabies was very prevalent.

558. In your experience does there occur a greater number of cases of rabies among that species of animal than among any other sort of dog?—To that I am not prepared to speak, because it depends upon their exposure to danger; in my opinion, rabies is produced by inoculation alone.

559. You are not able to say whether there has been a larger number of that animal rabid than of any other?—No.

560. But that animal is more savage than others?—Yes.

561. And more likely to quarrel?—Yes.

562. And of course animals that are most likely to quarrel and bite, inasmuch as in your opinion hydrophobia is propagated only by the bite, would be most likely to propagate the disease?—Yes.

563. And as their number increases, the disease of hydrophobia would be likely to increase also?—Yes.

564. Are the Committee to understand you to say that when a fighting dog is bitten he is more inclined to bite other dogs on account of the nature of that dog being more savage?—Yes, precisely so.

565. Have you had any means of forming any estimate as to the comparative number of cases of hydrophobia in England and other countries?—No.

566. You do not at all know what the proportion of hydrophobia cases in other countries is as compared with the cases in England?—I do not; I rather am inclined to think that, setting aside those in the south of France, and likewise those on the northern and eastern boundary of France, the cases of hydrophobia are much more frequent in England than in France.

567. Have you any experience or any knowledge of the state of hydrophobia at Lisbon?—Not from experience, but from accounts, I learn that it does not exist.

568. Will you have the goodness to state whether you know whether the number of dog-fighting pits in the metropolis now is greater or smaller than it was in former years?—I do not know. With regard to the character of the persons who attend those pits, I would beg to observe that the foundation of the opinion which I have given is this, that for the number of years that I mention the treatment of the dog was confined to Mr. Blain, and to me as the successor of Mr. Blain; they all came to us. When a servant brought a dog of his own, a spaniel of his own, or a better man in a higher grade of society brought a greyhound, or a pointer, or a setter of his own for me to look at, I traced him from year to year with the character of the individual who brought him; but the moment a servant brought me a fighting dog of his own, or the moment a young man in a higher grade of society brought me a fighter of his own, I had an opportunity to trace the dog, and I found the servant-man became a worthless character and a beggar, and the young man in the higher grade of society became a very different character from what he would otherwise have been; and there seemed to be an infallible connection between fighting dogs and an alteration of character for the worse.

569. Your attention has been so much directed to this subject, that this is the result of very careful investigation on your part?—Yes, and of that fact I have no doubt.

570. It is a popular opinion that the dogs of England are of a bolder nature, and more inclined to fight, than the dogs of other countries; do you concur in that opinion?—It is said that they have ever been; they are more cultivated and highly bred.

571. What is your opinion upon the subject?—I believe so.

572. Are a great many fighting dogs sent out of this country?—I believe there are.

573. Is that carried to any extent?—I believe there are a great many.

574. To what parts?—To France more than to any other country.

575. Has not the science of dog-fighting been lately more cultivated in France than formerly it was?—I believe it has.

576. You have stated that it is more likely that the rabies of hydrophobia is propagated by those dogs who have been accustomed to fight, because their disposition is that of biting, and consequently if once a dog of this description becomes

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becomes rabid, he is more likely to communicate hydrophobia to other dogs?—Yes.

577. You stated, in answer to a preceding question, that this disease of hydrophobia sometimes lies dormant, and breaks out unexpectedly, whether from the season or other causes; do not you think that this manner of fighting the dogs in the pits is likely to bring out this dormant hydrophobia into existence; for example, supposing a dog has been bitten, and that the venom of hydrophobia lies in him, would not the excitement arising from the fight, and the preparation necessary to train him for that fight, have a tendency to heat his blood, and thereby to bring out hydrophobia, if not to generate it?—I imagine it would bring out hydrophobia.

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William Youatt.

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578. Then, in your estimation, this dog-fighting, one dog fighting with other dogs, would, supposing this latent disposition were brought into action, communicate the rabies to the other dogs, and those dogs being inclined to bite, would communicate it to others around them?—No, I should not say to that extent; it would hasten the appearance of the disease, but there is a regular course for it; there are times when it takes only two or three days for the disease to develop itself; a dog will not become mad whilst he is in a dog-fight.

579. A dog might be labouring under the disease, and taken into the pit to fight, and then he would of course communicate that to the other dogs?—Yes.

580. The fact is, that it is distinctly your opinion that dog-pits are very prejudicial to society upon these three grounds: inasmuch as they encourage cruelty in the first instance, inasmuch as they tend to increase hydrophobia in the second instance, and inasmuch as they tend to bring people together of bad character?—Yes.

581. You have no doubt that the pits are extremely injurious to the morals of those who attend them?—None, because from my peculiar line of practice proof of that has been forced upon me from year to year.

582. Is it not possible that one of those fighting dogs may be mad, and that by being produced, and fighting, he may communicate it to other dogs?—It is possible, but it is only a possible case.

583. The same possibility applies to the lap-dog or to the greyhound, does it not?—Undoubtedly, because there are very bad cases of that sort on record.

584. Which should you think the most likely to extend hydrophobia, the pet dog or the fighting dog?—There is no doubt, I fear, the dog may labour under rabies, when there is no symptom that will discover it to us; and at that time, whether he be a spaniel, or whether he be a terrier, a bite from him would probably communicate the disease.

585. Do not you think that a fighting dog, if mad, is more likely to bite and propagate hydrophobia than a pet dog when mad?—Yes, on the ground that he is more in the way to do it, and from his temper.

Mr. John Ludd Fenner, called in; and Examined.

586. WHAT is your profession?—A Member of the Royal College of Surgeons.

Mr.
John Ludd Fenner.

587. What is your residence?—Penton-street, Pentonville.

588. Do you know anything about the pits used for fighting dogs from your own knowledge?—I have listened with great pleasure and attention to the very important Evidence which Mr. Youatt has given to the Committee. I consider that Evidence highly important; he is one of the oldest practitioners in his branch of business in London, and has particularly studied the diseases and treatment of domestic animals. He succeeded Mr. Blain, who was the first, I believe, who brought the art to any perfection in this country; I know his practice to be very extensive; I have also attended his lectures, and was particularly struck with those on the theory and treatment of hydrophobia, or rabies in dogs, and have derived from them a great many practical ideas on the subject. In fact, I have little to add to the Evidence of Mr. Youatt already given, in which I fully concur. Hydrophobia or rabies is a subject which of course I have long had under consideration; I am of opinion, in addition to what Mr. Youatt has stated, that the main cause of the extensive and general prevalence of hydrophobia in this metropolis, is the great number of untaxed dogs about the streets without owners; I believe that a rabid dog getting among

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those, and biting half a dozen or half a score, propagates the disease, at once, to all parts of the metropolis; that is my idea of it.

589. With regard to these pits, you state that you concur fully with Mr. Youatt in his Evidence; does it come under your knowledge that any evil results or any nuisance have arisen from those pits?—Mr. Youatt has had an opportunity of forming a much better opinion than I could upon that point.

590. What is your opinion as to the results which arise from the pits?—I think there is no doubt of their being the most demoralizing evils that we have in the metropolis; and moreover, I am decidedly of opinion that a rabid fighting dog is equally formidable with any one of the wild beasts in the Zoological Gardens. I should feel as much apprehension in seeing a rabid bull-dog running about the streets, as I should in seeing a wild beast.

591. Your opinion is, that those pits have a decided tendency to bring together persons of bad character, are attended with cruelty to the animals who fight one against another, and that they also have a tendency to promote hydrophobia among dogs?—Yes; in consequence of those fighting dogs being of a particular formidable character.

592. Have you been present at dog-fights?—Yes, I was interested some years ago, with some other gentlemen, in the suppression of the celebrated Westminster Pit.

593. Was it found to be a nuisance?—A decided nuisance. The neighbours proved that it was a nuisance; and I went to several of the exhibitions or matches there.

594. What induced you actively to engage in the suppression of that pit?—I was acting with other gentlemen, whose object it was to institute a prosecution for the legal suppression of the pit.

595. What were your motives?—Principally from the demoralizing evil it had occasioned among the lower classes in the neighbourhood, and the horrible acts of cruelty that were brought before the public, as commonly witnessed there.

596. And those acts of cruelty you have yourself witnessed?—Yes.

597. What were they?—At a fight there were specific sums; five, ten or fifteen pounds betted. The sufferings of the dogs are minor considerations to the value of the money; for often the poor exhausted dog was dragged round the pit several times by his antagonist after he was fairly beaten, and before the parties would agree to suffer the battle to be decided. This I consider to be the greatest barbarity.

598. Have you seen them lacerated?—Always, more or less so.

599. Who dragged them about the pit?—The more powerful dog dragged the one that was overcome in this manner.

600. Have you ever seen a dog nearly killed in those pits?—They very often die in consequence, but I did not see any dog expire at the time. I have seen him under such circumstances that I think he could not survive.

601. Have your habits or place of residence given you any particular opportunities of making observations upon the pits?—None.

602. Then, in short, the substance of your Evidence is to corroborate all that has been stated by the former Witness, and also to state that you consider those pits for fighting to be a nuisance?—Undoubtedly; and particularly to mention my own idea of the prevalence of hydrophobia in different parts of London at the same time, arising from the number of untaxed unowned dogs about the streets.

603. You mentioned the subject of the Westminster Pit, and stated that you had been actively concerned in suppressing it; had you any difficulty in doing so?—No, a verdict was given us upon the representation of the nuisance from the neighbours.

604. Was it indicted as a nuisance?—Yes, as a nuisance.

605. And you had no difficulty in putting it down?—No.

606. The reason why other prosecutions have failed is, because the neighbours have not come forward as witnesses, is it not?—I believe the true reason why other pits have not been suppressed by individuals has been, that prosecutions by indictment cannot be carried on without considerable expense, and for that reason we feel a great degree of interest with regard to the Bill now before Parliament. We want a comprehensive legislative measure, that will render unnecessary these private prosecutions, by introducing a system which should

should transfer them to the local authorities. With regard to pits, we hope in future that they will be considered, in the eye of the law, as nuisances to the neighbourhood in which they are situated; and that the local authorities will put an end to them. It would require, from a prosecuting society, very considerable funds to prosecute the whole of them; but the legislative object I conceive to be, to have them recognized in such a manner, that the neighbourhood, when annoyed, by applying to the local authorities, may get redress, without the trouble and expense at present incurred.

607. Are you aware that there are fewer pits in London now than there were some years ago?—I am not aware.

608. You have spoken of the suffering of dogs in fights; are you not aware from your experience, that in cases of dog-fights, the same dog often fights seven or eight battles?—Really I do not know.

609. How often did you attend those exhibitions?—I cannot say; now it is a distance of some years.

610. Are you aware from your own personal knowledge of the difference to which Mr. Youatt alluded between public and private meetings?—I did not understand what he meant; in fact, the cruelty I have always found to depend upon the amount of the bet. When I have been there, I have asked what is going on, and what the sum betted. If it be a heavy bet, I have always found that the parties were indifferent to the sufferings, and also to the life of the dog. Fellows betting only 2s. 6d., where the dog might be worth from 10*l.* to 12*l.*, would take care that the dog should not be seriously injured.

611. Are you at all aware of the value of fighting dogs?—No; I am told they are valuable just in proportion to their credit and character.

612. Although your Evidence goes generally to corroborate that of Mr. Youatt, in one respect there is a difference of opinion between him and yourself, namely, that, according to your view, the chief cause of hydrophobia is the stray dogs about the streets?—I rather wish to throw that out in addition to what has fallen from Mr. Youatt. I believe that Mr. Youatt knows more of hydrophobia or rabies than any person in London, and the only thing that I wish to add to his Evidence, with respect to the spread of hydrophobia, is my own idea by which I explain the general prevalence of hydrophobia.

613. Has your mind been turned much to the cases of hydrophobia abroad?—No, I have had nothing but general information upon that subject.

614. You have stated that you and your friends were engaged in suppressing a dog-pit; how long were you engaged before you effected the removal of that pit?—I believe it was brought to a trial as soon as there was sufficient evidence; as soon as the evidence collected was found to be of such a nature as would be sufficient to insure a verdict.

615. Do you recollect how long you and your friends were engaged in collecting that evidence?—I cannot say the time; some weeks perhaps.

616. Did you fail the first time?—I really do not know whether we did or not; but I would beg to add, respecting the private prosecution of these pits, that we have found out that, under the present law, if a pit be prosecuted, the parties go somewhere else and establish another pit.

617. Were there certain funds which were applicable to that prosecution of the Westminster Pit?—Yes.

618. Do you think that unless those funds had existed, it would have been easy to carry this prosecution into effect, even though the neighbours thought the pit a nuisance?—Certainly not.

619. And there are a dozen pits now in existence?—I do not say that there are a dozen.

620. How many pits are there?—I have no positive knowledge.

621. In the event of a pit being a great nuisance to the neighbourhood by drawing together bad characters, and in the event of the neighbourhood being unwilling to regard it as a nuisance, under the present law that pit could not be put down?—Certainly not without the outlay of considerable expense by indictment, which no individuals would incur.

622. You are aware that the difficulty of providing funds is a reason very often why those pits are not suppressed, though they may be a nuisance to the neighbourhood?—Yes; I cannot conceive that any society, if they went upon the principle of prosecuting, though they had funds of 1,000*l.* a year, would

*Mr.
John Ludd Fenner.* be able, by the present law, to suppress them, because if suppressed in one place they would be established elsewhere.

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*Mr.
Charles Usherwood.*

Mr. *Charles Usherwood*, called in; and Examined.

623. WHAT situation of life do you hold?—In the broker line at present.
624. Where do you reside?—In Mary-le-bone.
625. In what part of Mary-le-bone?—In High-street.
626. Have you been in the habit of attending dog-pits?—I have.
627. What have you observed there with regard to the cruelty of the dogs?—I have seen the dogs fight in pits till one has been killed and the other died the same night.
628. Does this often take place?—It constantly occurs that one or the other will die.
629. Then, in your estimation, it is a very cruel sport?—It is.
630. You have seen dogs actually torn to pieces?—I have, so that a skein of thread would not sew up the skin torn from the flesh.
631. Do you mean literally what you say?—Yes, that it would take a skein of thread; it has been used, and was not sufficient to do that.
632. Did you ever see a dog sewed up?—Yes, I have seen part of his wounds sewed up.
633. How long did it take?—More or less, according to the wounds.
634. Did you ever see an instance of the wounds of a dog being sewed up?—Yes.
635. And in the instance to which you allude, how long did it take?—Ten minutes or a quarter of a hour.
636. You mean to say, as a person in the habit of witnessing those scenes, that it is the custom to sew up the wounds with thread, and that in some instances the dogs have been so lacerated that it would actually take more than a whole skein of silk or thread to sew up the wounds?—Yes.
637. Will you mention one instance to the Committee?—One was the instance of Thomas Thomas, pastrycook, at Somers Town, and my brother's dog fought against him.
638. How was the dog torn?—In all parts, of course; in the course of the night he died, and the other died the next morning; both were dead the next morning. I was not there at the time.
639. Have you ever heard that it has occupied so long as three hours to sew a dog's skin up?—No.
640. According to the best of your information received from other persons whom you can give credit to, what is the greatest length of time that it has taken to sew up the skin which has been torn off a dog that has been severely wounded?—I should think about half an hour, perhaps an hour; I cannot speak exactly, I never did it myself.
641. Are those dogs so much punished by fighting with each other as by badger-baiting, or by fighting with any other animals?—The badger will fight more quickly than the dog will; they fight sharper; the dog goes into the hole to drive the badger out, and if he gets his hold he draws him out; but if he does not he will be bitten, and when he has had enough the dog will turn his head round, and there is an end of it.
642. In both cases you have seen the dog frequently punished?—Yes; not from the badger, but from the other.
643. What description of people generally attend those exhibitions?—I have seen noblemen and governors.
644. Would you like a son of yours, if you had one, or any person in whose welfare you were interested, to attend those pits?—Certainly not, because I see the folly of it now.
645. Do you believe, in fact, that it would be corrupting them?—I do.
646. Do not those fights between dogs in the pits very frequently end in brawls and quarrels among the people themselves?—Frequently.
647. Does it not often lead to drunkenness?—Sometimes it is too late for that.
648. But it does sometimes?—Yes.
649. Are you a dog-fighter yourself?—No; I have been to those fights.
650. But your brother is?—Yes, he has been.

651. But

ON BILL FOR PREVENTION OF CRUELTY TO ANIMALS. 33

Mr.
Charles Uskwood.

651. But you have nothing to do with them?—No, and have no share in the profits of it; I have had spaniels, but no fighting dogs.

4 July,
1832.

652. What made you leave off attending the pits?—Because I did not see any pleasure in the brutality.

653. Did your brother leave it off at the same time?—He has left off.

654. Was he very successful?—Yes; he won and lost as most men did.

655. You never had a wrangle at the pit, had you?—I never had.

656. Your brother had, had he not?—He might have had, unknown to me.

657. What has induced you to come forward to give your evidence upon this occasion?—I was asked to come and state the facts that I know, without any favour or affection.

658. You came merely to state the facts?—Yes.

659. You have attended the pits pretty regularly formerly?—Yes.

660. And have been fond of the sport?—Yes.

661. And notwithstanding your former fondness of the sport, you come forward willingly to give evidence against it?—I have been fond of the sport, but I am not now.

662. Have you had any experience in cock-fighting?—I have seen some of it.

663. Which do you conceive to be the most cruel of the two, cock-fighting or dog-fighting?—Dog-fighting, of course, because the one is momentary death and the other is punishment.

664. Is cock-fighting momentary death?—Where they fight with steel.

665. You probably can give the Committee some information as to the value of fighting dogs; what price have you ever known given for fighting dogs?—I have known such a price as 100*l.* given for a fighting dog.

666. Of course it was very much the interest of the man who gave 100*l.* for his dog to see that it was very well treated?—Yes, they have trainers for them.

667. It must be then to the advantage of the trainer, and to the interest of the trainer, to take every care of his dog?—Yes.

668. And they are treated with great care, are they not?—Yes.

669. Are they not put into warm baths when they fight?—No, nothing of the kind; they give them as much air as they can.

670. What was the mode of treatment of that dog that was worth 100*l.*?—That I cannot say.

671. Who bought him?—I cannot say, exactly.

672. Is he alive now?—No.

673. Do you recollect the famous dog called Billy?—No.

674. Do you recollect at what age he died?—No.

675. Can you say how many battles he had fought?—No, I cannot say.

676. Is it usual for a dog to fight seven or eight battles?—Yes. Bony was the celebrated dog.

677. How many battles had Bony fought?—A good many battles.

678. Can you at all say the number?—I cannot say, indeed.

679. As many as twenty?—He might have fought twenty or more.

680. Is Bony alive now?—I cannot say.

681. But he must be of a good age, if he is alive?—Yes.

682. And he is only lately dead, if he is dead?—Yes; he is past fighting these several years back.

683. He is past fighting, having fought a great many battles?—Yes.

684. You say that you have left off attending those places now?—Yes.

685. Were you on the whole a loser or a gainer in those pits?—I never bet.

686. Never bet a halfpenny?—No.

687. You stated that the chief reason why you left off attending those places was, that it led to drinking and brawls?—Yes; and to a neglect of business besides.

688. Do you live now far from any of those pits?—In Mary-le-bone.

689. Are there no drinking and brawls in other places besides the pits?—Yes.

690. Drinking and brawls will go on, whether in the pits or out of the pits, will they not?—Yes.

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691. Do

34 MINUTES OF EVIDENCE TAKEN BEFORE COMMITTEE

Mr.
Charles Underwood.

4 July,
1830.

691. Do you know how many public pits there are at present in London?—There is one at Westminster; there is one at Bayswater; one at Tottenham-court Road, and I do not know whether there is not one at Bow; and there is one in the City.

692. Have you frequented cockpits as well as dog-pits?—Yes, I have been in a cockpit.

693. You say that you conceive dog-fighting to be more cruel than cock-fighting?—Yes, because one has a weapon to destroy with, and the other has not.

694. The one will last twenty minutes?—And the other will last an hour and twenty minutes.

695. You say that some dogs are valued as high as 100*l.*?—Yes.

696. Why are they valued so highly?—It is the breed of them.

697. What would induce any individual to give 100*l.* for a dog?—Fancy.

698. Is it not the practice to bet very large sums upon such dogs?—Yes, they have bet, may be, 500*l.*; it would be the pride of a young collegian to get a good dog to fight against another, and therefore he would give 100*l.* for a dog; a friend of his might have a dog, and he would want to beat it, and therefore he would be willing to give a large sum for a good dog.

699. When they train those dogs to fight, do they teach them to attack the other dogs in any particular part?—No, not that I know of.

700. Do those dogs ever set at a bull?—Yes, certainly they will bait a bull; they are what they call bull-dogs; those that run at a bull are thorough-bred dogs, generally speaking.

701. Will it not take the bull anywhere by the head?—Yes; the dog Bony, belonging to Tom Pritchard, used to do that.

702. You would call that pinning a bull; that is, taking him by the nose and pinning him down to the ground?—Yes.

703. Do you consider bull-dogs naturally a more fierce description of dogs than other small dogs?—I consider it is a natural gift to them.

704. What is a natural gift?—Breeding them to run at a bull and to be fierce.

705. Do you mean fierceness and courage?—Courage as well.

706. Do you think that a bull-dog is more likely to bite persons than other dogs?—No.

707. Would you consider a dog to be a thorough-bred dog that attacked a bull at the hind part?—No.

708. What are the sort of dogs that are bred for fighting?—Half-bred dogs, of bull and terrier.

709. Have you not heard of noblemen and gentlemen giving prizes to the dog that will bait the bull best?—Yes.

710. How long is it since you have withdrawn from these fights?—I have had nothing at all to do with them lately.

711. Are you in the habit of reading the Sporting Journal?—No.

712. Is there much bull-baiting now?—No.

713. Is it continued in the country?—I believe it is; I have been about the country, but not lately.

John Brow, called in; and Examined.

John Brow.

714. IN what situation of life are you?—I am a labouring man.

715. Where do you live?—I live at No. 5, Silver-street, Clerkenwell.

716. Have you been in the habit of attending the dog-pits in London, and of seeing dogs fight in those pits?—I have.

717. Do you think there is cruelty practised towards the dog in those fights?—No doubt there is cruelty; but it is not the cruelty of man to them, but the cruelty of the dogs one to another.

718. In fighting with each other, do not they tear one another to pieces and injure each other?—Certainly.

719. What have you witnessed of dogs tearing each other?—There is a foul-fighting dog, as it is called by the Fancy, that will fight at the privates.

720. Do you mean that he will catch hold of the private parts of the other dog?—Yes; he is called a foul-fighting dog that does that, but still he is a winning dog.

721. Is

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John Brown.

4 July,
1832.

721. Is that uncommon?—No, it is not uncommon at all; it happens so in general, though I have not for these twenty years fought a dog in a pit, and I do not think I have been in a pit for these last eighteen years.

722. But you know that that is the practice?—I know it is the practice in the pits.

723. Used you to keep dogs for fighting?—Yes.

724. And therefore you speak with a perfect knowledge of the fact?—Yes, I do.

725. You speak the truth, and correctly, as to what passed eighteen years ago?—Certainly.

726. Is it the case now?—It is just the same now as it used to be.

727. How can you know that, if you have not seen a dog fight for eighteen years?—There cannot be a doubt that dogs, if set to fight, will fight now just as they used to do.

728. Have you been in the habit of talking with those who now frequent those pits?—Yes.

729. Latterly?—Yes.

730. Though you do not frequent the pits yourself now, you take an interest in them?—Certainly I do.

731. If there was any difference in the manner of fighting dogs now from the manner of fighting dogs formerly, you would most likely have known it, would you not?—Yes; I am satisfied that if we set two dogs to fight, they will fight in the same manner as they used to do; they would not do it if they were not set on; and I call it all cruelty; and if you were to take your dog away from doing so, you would lose your money.

732. You stated that those dogs that act in the manner you have described, that fight at the privates, are called foul-fighting dogs by the Fancy?—Yes.

733. And therefore the Fancy would discourage such dogs?—They would; I would myself.

734. Such dogs, in places where money is taken at the door, would not be put to fight against each other?—Not for any particular sum; but I know that they will get an old dog which will fight anything that comes near it, and they will call it a hack-dog; and they will put this old dog to a young dog to see how long this young dog will fight him, and he is gnawed to pieces, may be, eight times a week, or oftener. The old dog is set to tear a young man's dog, because he wants to get him into the Fancy.

735. The hacks are generally old dogs, are they not?—Yes.

736. Dogs that live to a great age very often?—Three years old dogs, and five years old dogs.

737. Have you seen them older than that; eight years old?—Yes.

738. Do not the young dogs pull the teeth out of those old dogs?—No.

739. Why do they set these old dogs upon the young dogs in this manner?—Because if they do not punish the young dog, he will not fight.

740. How do they manage that the hack should not punish the young dog too much?—We will put my young dog on your old one, and we will take my young dog away when we like; it costs them 1s. may be; so the young dog goes and pulls the hack dog about.

741. Do not many gentlemen send their dogs to the pits to be treated in that manner?—Yes.

742. And you mean to say that the hack dog is let out at a shilling a fight, to be practised upon by young dogs in this manner?—Yes, I am satisfied on that point.

743. And you are satisfied that this is an act of cruelty?—Certainly; it is like putting an old gentleman to fight two or three young gentlemen.

744. Do you know anything of badger-baiting?—As for a dog baiting a badger, I consider that when a dog goes to a badger, the doubt is not which will have the baiting, because the badger has got tight hold of the dog, and whenever a badger bites, he bites right through, and if he catches hold of the dog by the leg, the dog is being punished, not the badger.

745. Is there much of that species of amusement going on in the City?—There is that species of amusement in the City, in West-street, or very close to the City

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746. What

36 MINUTES OF EVIDENCE TAKEN BEFORE COMMITTEE

John Brow.

4 July,
1832.

746. What other pits are there in the City?—There is Roach's, and there is Jack the Barber's; they call him Dandy Jack; they are both in what they call Sharp's Alley.

747. Do you know Roach and Dandy Jack, as he is called?—Yes.

748. Are they good-tempered fellows?—Yes, they are; they want to get their living somehow or other.

749. Do not you think that those persons who are the most cruel to others take the greatest care of themselves, in general?—A man that is good-tempered puts up with an affront.

750. But it does not follow that men who like to set dogs to fight will be always cruel themselves?—There are good men who take their part in it.

751. What are the sort of people that frequent those pits?—Brickmakers, in general, to tell the truth.

752. Any gentlemen?—There are very few gentlemen among brickmakers; I have seen gentlemen in the pits, and a good many young gentlemen; I did not ask their names; that would not do.

753. Is Roach's pit what you would call the Dandy Pit?—No, Dandy Jack's.

754. Did Roach always keep pits?—I did not come to answer that question, but he keeps a boarding-house; I believe he is a butcher by business, if he followed his business.

755. You are a labouring man, a gardener, are you not?—I could work a little gardening; I could do anything almost in that way.

756. Do you keep dogs now?—No.

757. You have seen a good deal of cruelty practised in those pits?—Yes.

758. Have you seen the dogs torn in the fights?—I have.

759. And seen them die?—Yes.

760. Is that a frequent occurrence?—Yes.

761. When did you see a dog die?—I saw a dog put into a warm pail of water after he had been fighting, and die directly in the man's arms.

762. Was it the wounds or the water that killed him?—It must have been the wounds, which affected the internal parts.

763. Have you seen any cruelty practised in those pits, in bear-baiting?—Yes.

764. Have you seen any going on lately?—No, bears are too dear now, from the barbers using them so much, to bait them; bulls are not very cheap, and if they do buy them they will not let them bait them.

765. A good fighting dog is worth more than a bear, is not he?—No.

766. What price do you suppose a bear will fetch?—I suppose a bear at this day is worth a five pound note to a barber; a poor man has not an opportunity of getting a bear.

767. Have you ever witnessed in those pits, that in order to excite a dog to fight, a tender or sore part has been held by the other dog?—No, I never did; for if I were in the pit, and a man did that, I would be the first man to knock him on the head.

768. Do not you think the opinion of the Fancy to be against such fighting?—Yes; I should knock a dog on the head if he fought foul.

769. Are there not printed rules with regard to fair play in those pits?—Yes, about how you make them to match; if you send two dogs in for what they call a bellyfull, no man must touch them.

770. Are there not always understood rules with regard to fighting before dogs begin to fight?—They turn the dogs in and let them fight it out; that is fair; but if one fights foul, you take the other away, and the man loses his money because he touches his dog.

771. Therefore, if a dog is trained to seize another in the private parts, you mean to state that it is not the dog which attacks the other in that way that loses, but it is the other dog, when his master takes him away, which loses?—Yes.

772. Do you mean that the dogs are trained by the people who keep the pits to take the other dogs with which they fight by the private parts?—I should suppose not, because the man who did that must be a cruel man.

773. Then you take upon yourself to say that that is not the case?—I can take upon myself to say that I never saw anything of the kind.

774. You conceive that these dog-trainers do not train their dogs to do this?—No.

775. It

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John Brew.

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775. It is considered not fair if they do so?—Yes.

776. But, in point of fact, some dogs do seize each other in this way?—Yes; but we call them foul-fighting dogs; there is no man that can train a dog, what we call high-bred dogs, to fight in that manner.

777. You have been in the habit, at some distant period of time back, of frequenting very much those pits, have you not?—Yes.

778. You know, therefore, a great deal of the whole practice and nature of dog-fighting?—Yes.

779. And is it your opinion, that it is impossible that those fights, and that those pits, can be carried on without a great deal of cruelty; that they tend to a great deal of demoralization, and that no good can arise from them?—That is what I mean to say.

780. If you had a son, would you allow him to attend those pits?—If I had a son there I would go and *whop* him out, for I know it is the first step to the gallows.

781. If your life was to pass over again, would you go to those pits?—No.

782. You would have been a happier man if you had never seen those pits?—I would, and I wish I had never seen them.

Mr. Charles Wheeler, called in; and Examined.

783. WHERE do you reside?—No. 34, Nightingale-street, Mary-le-bone.

Mr.
Charles Wheeler.

784. Have you ever attended the dog pits?—I have frequently.

785. What is your impression as to the state of those pits, and as to the cruelty practised in them?—There is a great deal of cruelty and unnecessary barbarity with regard to fighting those dogs.

786. Are you an officer of the Society?—I was formerly, but I am not now.

787. What peculiar opportunities have you had of ascertaining what really does take place in those pits?—From having so frequently visited them, both in town and country.

788. Will you state to the Committee the peculiar acts of cruelty arising from the fights of dogs?—I have seen more in some pits than others, and particularly in one pit I saw a fight of two dogs; I was present for a quarter of an hour, and the seconds of the dogs were both lying on the floor, and one dog was down, and the other had got him by the lower lip of the jaw, and the seconder began striking the floor with his hand, and the dog jumped up, and the dog was lacerated in his lip; it was quite torn up; and I saw that dog fighting for more than fifteen minutes, as far as I can state, afterwards, and such was the effusion of blood that you could hardly distinguish what colour the dog's head was.

789. The fight was merely continued with a view to gain the bet, was not it?—Yes.

790. Will you name the pit in which you saw this take place?—In the Green Dragon, New Inn Yard, Tottenham-court Road.

791. Is that a pit still existing?—The Green Dragon has been put a stop to in consequence of the complaints of the neighbourhood.

792. The place where you saw this is still existing as a pit, is it not?—Yes.

793. You spoke of the floor on which the dogs fought; is it a wooden floor?—Yes a wooden floor, and saw-dusted over.

794. Is it the practice for the seconds to apply the sounding of their hand occasionally to the floor in order to encourage the dogs to go on fighting?—Yes, there are always two seconds in the pit.

795. Is it generally the case that there is a wooden floor?—Yes.

796. Do you happen to know whether that dog died?—I saw it about an hour afterwards quite dead.

797. Did you ever see a dog killed in a pit?—I have seen it in more than one pit.

798. Have you ever seen more than one dog killed at a time?—Not at a time; I remember an instance wherein both dogs have died from the consequences of the wounds, and that shortly after they have been removed they have been spunged over and placed in a blanket, and every effort has been made to save them, being valuable dogs, at least, I consider, to the owner.

799. Do you reckon that the killing of a dog in a pit is at all an uncommon circumstance?—Not uncommon.

Mr.
Charles Wheeler.

4 July,
1832.

800. Are there any other instances that you know of with regard to cruelty to dogs, similar to those which you have mentioned?—I have seen instances of bears being tortured more in one pit than I have in another. The fair way, they call it, is to loose one dog at a time; but two have been known to be let loose together where they have had a ferocious bear, and I recollect one instance of three dogs being let loose at a time upon a bear. This bear always proved itself victorious over one or two dogs, but they over-matched it with three dogs, and the consequence was it was very much lacerated.

801. Whereabouts?—In the lower part of the head, and all about the head.

802. Have you seen dogs take each other by the private parts?—Yes, but that is considered foul fighting; but as soon as that has been done, dogs have been over-matched. When two dogs of unequal weight, the one perhaps 30 lbs. and the other 40 lbs., are fighting together, the smaller dog will frequently seize the other dog by the private parts, the seconds will cry out “Foul, foul!” and the fight is stopped; but it is frequently the means of winning the bets, although it loses the wagers. That is done for the sole purpose sometimes of winning the bets, although the amount of the wagers is lost.

803. Are you of opinion that dogs are sometimes trained to that particular trick?—Yes, because from inquiries that I have very recently made, only a few days since, of the owner of a pit, he assured me that I must be quite ignorant not to know that before.

804. Should you have any objection to state who that individual was?—Mr. White of the Bayswater Pit; he is not the proprietor there; there are three of them who have a subscription there.

805. Mr. White told you then that you must be quite ignorant not to know that it was the practice to train dogs in that manner, to fight at the private parts?—Yes.

806. From what you have heard and from what has come under your knowledge, do you think that it is a common trick, if a dog is over-matched, to catch hold of the other dog, in order, although he loses the wager, to gain the bets?—Yes.

807. Are dogs often over-matched; do they often put a dog of much smaller size against a much larger one?—Yes, I have seen an instance wherein two dogs have been matched together for a certain wager, and one of them has turned tail, and that dog has been taken away, and another dog put of a smaller size to him, and I have known that dog very frequently beat the other dog.

R E P O R T

FROM THE

COMMITTEE

ON THE

" BILL to consolidate and amend several Laws
" relating to the cruel and improper Treatment
" of Animals, and the Mischief arising from
" the driving of Cattle, and to make other
" Provisions in regard thereto;"

WITH

THE MINUTES OF EVIDENCE.

Ordered, by The House of Commons, to be Printed,
1 August 1838.

R E P O R T

FROM THE

C O M M I T T E E

ON THE

“ BILL for making Provision for the DISPATCH of the
“ BUSINESS now done by the COURT of EXCHEQUER
“ in *Scotland.*”

WITH MINUTES OF EVIDENCE, AND AN APPENDIX.

Ordered, by The House of Commons, to be Printed,
23 March 1832.

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R E P O R T.

THE COMMITTEE, to whom the Bill for making Provision for the Dispatch of the Business now done by the COURT OF EXCHEQUER, in *Scotland*, was referred ; and who were instructed to inquire into the Powers and Duties of the said Court, and how far there are other Duties which might, with public advantage, be devolved upon that Court, and to report the same, with their Observations thereupon, together with the MINUTES OF THE EVIDENCE taken before them, to The House :—Have agreed to the following Report :

YOUR Committee have taken into their careful consideration the Bill which The House has been pleased to refer to them. They have obtained Returns of the Causes tried and the Arguments in Law maintained in the Court there mentioned, for the last twenty years, together with Returns and Reports from the King's Remembrancer, relating to the Establishment of the said Court, and the other branches of its Business ; and have also called before them, and examined as witnesses, the present and the late Lord Chief Baron, and also the King's said Remembrancer, in the said Court, from whose testimony they have obtained information as to the amount and course of the Business of every description now transacted by the Barons and other Officers thereof.

The Business of the Court of Exchequer in Scotland has always been partly of a *Judicial* and partly of a *Ministerial* nature. The first, which is almost entirely confined to Revenue Cases, consists chiefly of Informations for the recovery of duties or penalties accruing to the Crown.

The latter comprises a great variety of miscellaneous functions, which have been devolved upon the Barons, as constituting a sort of local Treasury Board for Scotland, and performing the duties formerly discharged by the Lord High Treasurer of that country.

Both these branches of Business are discharged by the Barons, in Term time, in Edinburgh. They go no Circuits, and transact no business out of Term, except what is urgent and occasional.

The Term days amount to fifty-five or fifty-six only in the course of the year, on which days the Court meets at eleven o'clock, and, on an average, rises between two and three o'clock.

By much the larger proportion of these days are employed in what has been termed the Ministerial or Treasury business. No exact account has been kept of the days occupied in the Judicial business, strictly so called ; but it appears from the evidence of the present Lord Chief Baron, that during the last two years about *eight days* were occupied in one of these years, and *ten days* in the other.

REPORT FROM COMMITTEE

By the Return of Causes and Arguments (forming nearly the whole Judicial business) for the last twenty years, it appears there have been only One hundred and thirty-five defended Causes tried, during that whole time, and Ninety Arguments in Law; or, upon an average of the whole, rather more than Six defended Causes, and between Four and Five Arguments, in each year. During the last seven years, the numbers have greatly decreased, the average number of defended Causes being, for that period, only between two and three in each year, and of Arguments, about four, or one in each Term. For the last two years, there have been only Four defended Causes, and Five Arguments in Law.

The undefended Causes which have been tried *ex parte*, have averaged Seventeen in a year, for the last seven years; and, though watched in their progress by the Judges, have occupied very inconsiderable portions of time.

It is the opinion accordingly of the present Lord Chief Baron, and of Sir Henry Jardine, the King's Remembrancer, that the whole Judicial business of the Court might easily be done in four Sittings, of *three or four days* each; one of which might be had before, and one after each of the Sessions of the Court of Session (if the business were devolved on a Judge of that Court) without interfering with the business of that Court.

Your Committee entirely concur in this opinion; remarking, however, that the estimate is larger than can be justified by the statement of the days actually occupied in Judicial business in the last two years. That statement giving an average of *Nine* days only, dedicated in each year to such business; whereas the estimate referred to allows the number of *Sixteen*, or at the very least *Twelve* days annually for such purposes.

Looking, therefore, at the proper Judicial business of this Court, Your Committee cannot hesitate in reporting it, as their opinion, That the maintenance of a separate Court, consisting of a Lord Chief Baron, with a salary of £. 4,000 a year, and at least one other Baron, with a salary of £. 2,000, is an unnecessary burden on the Public; and that the whole business of this description now done in Exchequer might be safely and advantageously transferred to a single Judge of another Court, without the slightest risk of injury to the business or the suitors in either of these Courts. That the business of the Court of Session, at all events, would suffer no interruption from this occasional employment of one of its Judges, may be safely concluded from the fact, that Six of these learned persons have, in addition to their other duties, the far more serious occupation of being also Judges in the Court of Justiciary, in which capacity they are not only obliged to go two or three Circuits every year, to the most remote quarters of Scotland, but also to assist at numerous Trials at Edinburgh; and thus undergo much more additional labour than can possibly fall on the new Judge in Exchequer.

Even if the whole Treasury business now done by the Barons were also to be transferred to this single Judge, Your Committee would decidedly be of the same opinion. From the Evidence, they are perfectly satisfied that the whole of the Treasury business might be easily disposed of, during the *Mondays* of the Session, or Term of the Court of Session, when that Court never meets, or at all events, in a few additional days taken from the long Vacations of that Court. Your Committee, however, entirely concur in the opinion expressed in the Evidence, that however the Court of Exchequer may be ultimately constituted, the whole of the Ministerial or Treasury business

business ought, at all events, to be withdrawn from the persons who act as Judges in that Court, both as being likely to be more efficiently and economically performed by other Officers, and as being an improper and unsuitable appendage to the functions of Supreme Judges. For the details of this business, and the methods in which it is now proposed to dispose of it, Your Committee would refer to the Evidence in the Appendix, which they have no doubt will be completely satisfactory, upon both branches, of the opinion they have ventured to express. The sum of the proposed changes is, that the Officers in the department of the King's and of the Lord Treasurer's Remembrancer, should report directly to the Lords of the Treasury, to whom the Barons now report in every case of importance, or to the Commissioners for Taxes, or of the Woods and Forests, as the Treasury might direct; and further, Your Committee recommend, that if any Legislative enactment should be necessary to carry such changes into effect, no time should be lost in obtaining the requisite powers.

Being thus clearly of opinion that there is no business in this Court to justify, or excuse, its continuance as a separate Establishment, Your Committee have not felt themselves called upon to go into any evidence, in reference to that part of the Instruction furnished to them by The House, by which they are directed to consider, how far there are other duties which might with public advantage be devolved upon that Court.

It appeared to them, that this instruction implied, that Your Committee should *first* be satisfied that the Court of Exchequer should at any rate be continued; or, at least, that there was room to hesitate as to the propriety of its abolition; and that the Instruction in question was only intended to meet the case of their being of opinion, that the Court, as it now is, and as it has always existed, was a fit Establishment to be continued. The main and leading reference to them, they understood to be, a *reference of the Bill* introduced for the prospective discontinuance of the Court as now constituted; and the first point they had therefore to determine was, whether a clear case was made out by the Evidence for its being so discontinued. Upon that point they conceived that they were bound in the first instance to decide, and that it would depend on that decision whether they should proceed further in their inquiries.

If Your Committee had been of opinion that the Court ought, or might with propriety be continued, they would then have had to consider, whether any additions might be advantageously made to its Business or Jurisdiction; but if the Evidence left no doubt or hesitation in their minds as to its being an unnecessary Establishment, they humbly conceived, that in reporting this as their opinion, they exhausted the whole duty committed to them, and precluded themselves from any further inquiry.

There are two other points, however, on which Your Committee think it right to say a few words before closing their Report.

The proceedings in the Scotch Court of Exchequer, have, ever since the Act of Queen Anne, been conducted according to the forms and rules of the *English Law*; and it has been objected, that a Judge of the Court of Session, trained only to the forms and rules of the *Law of Scotland*, might not be always equal to transact the business of such a Court.

In answer to the objection, it is material to observe, that the whole Revenue Law being entirely statutory, any person accustomed to the

judicial interpretation of British Statutes, must be quite competent to administer it; and that its administration, upon the very same Statutes, has accordingly been entrusted to Scotch Justices of the Peace, who, without any professional learning or practice, dispose very satisfactorily of a large proportion of all the Revenue questions that are tried in the country. The Law of Evidence rests upon the same principles, and (with a few well-known exceptions) is the same in their practical application in Scotland and in England. The issuing of Extents was at one time perhaps a matter of some nicety; but since the correctory Act of Geo. III. is within the reach of ordinary discretion: at all events, the interference of that prerogative process, with the common remedies of the Law, have long made a knowledge of its principles a necessary part of every Scotch Lawyer's study.

The other point which requires to be noticed is, the inconvenience which it is alleged may arise from transferring the whole Exchequer business to a single Judge; by whose sickness or necessary absence, it is said, the whole proceedings may be suspended, and from whose misdirection in point of Law, no Appeal could be made to any other person, in case of a Motion for a new Trial on such grounds. This objection, Your Committee observe, has been anticipated by the framers of the Bill now before them; and has been provided for in almost all the cases in which it is likely to occur in practice. By the fourth clause of the Bill it is provided, that in the event of such temporary incapacity, Warrants to find goods, and *fiats* for Extents, may be issued by any of the Judges of the Court of Session; and Your Committee have proposed to extend this power to the revisal of Signatures, wherever it is represented that the case is urgent, or that injury is likely to arise from delay.

With regard to Motions for new Trial, on the ground of misdirection, Your Committee are of opinion that this objection to the proposed change is equally applicable to the Court as it has hitherto existed. All the Trials in the Scotch Exchequer are *Trials at Bar*, and are actually conducted before the whole Court. If any misdirection, therefore, occurs at the Trial, it is a misdirection of the Court; and yet the Motion for a new Trial can only be made to that very Court, as must always be the case where the Trial is at Bar, in any other Court of Law. No injury, however, has ever been alleged to result from this circumstance; and at all events, the remedy of an Appeal or Writ of Error to the House of Lords will always be open to parties who consider themselves aggrieved.

Your Committee are therefore of opinion, that the principle and objects of the Bill are supported by the Evidence, and that its being passed into a Law would be for the public benefit and advantage.

23d March 1832.

MINUTES OF EVIDENCE.

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MINUTES OF EVIDENCE

Martis, 14° die Februarii, 1832.

THE LORD ADVOCATE,
IN THE CHAIR.

The Right Honourable *James Abercrombie*, Lord Chief Baron of Scotland ;
called in, and Examined.

HOW long have you held the situation of Lord Chief Baron ?—I was appointed two years ago, on one of the first days of February.

Have you since that time officiated and done the duties of the office ?—I have.
Will you have the goodness to state to the Committee what you practically know to be the nature and extent of the business of that Court ?—The business of the Court of Exchequer is composed of two parts—the Judicial business, and what is called the Treasury business ; and perhaps, for the sake of clearness, I had better go through what relates, in the first instance, to the judicial business. The period of time, in the course of the year, appropriated for the despatch of judicial business in the Court of Exchequer is limited to four Terms, and those Terms are fixed Terms. Candlemas Term begins on the 15th of January, and ends on the 3d of February ; Whitsuntide begins the 12th of May, and ends on the 2d of June ; Lammas Term begins on the 17th of June, and ends on the 5th of July ; Martinmas Term begins on the 24th of November, and ends on the 20th December. The Court never meet for business on Mondays or Saturdays ; the number, therefore, of judicial days, according to the practice of the Court, during the year, are about fifty-five or fifty-six, varying according to the number of Sundays. In that number of days, a much smaller number are employed in the despatch of judicial business. I have required the Officer of the Court to furnish me with a note of the number of days during the two years during which I have been Chief Baron, in which the Court have been engaged in the despatch of judicial business. In the first year there appears to have been about eight ; in the second, there might have been about ten ; but this Return does not include those days on which motions of course were heard, inasmuch as they occupy not above a minute or two ; neither does this statement include the time that was occupied in what is called revising of signatures ; neither does it include the time that was occupied in hearing appeal cases which are brought from the decisions of the Commissioners of Supply in matters of taxes ; and I think, with those exceptions, the judicial business was disposed of in about eighteen days in the two years. The business of the Court of Exchequer is confined to matters of Revenue, and the number of causes which are brought to trial, and the number of causes which have been defended, and those which have been undefended, have been stated in the Return which I understand has been laid before the Committee. In my first year there were about two defended causes and seven undefended tried ; and I think somewhere about the same number in the second year. Then the only other business which there has been since I have been there, was a short argument upon the question of Sheriffs' poundage, which occupied an hour and a half or two hours. There was also one case in which the judgment of the Justices in the country was brought by *certiorari* under the review of the Court of Exchequer ; that was a case in which a judgment had been pronounced by the magistrates at Banff. Then there is another jurisdiction that is given to the Court of Exchequer, which is in matters of borough accounts, under

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an Act which is known by the name of Sir William Rae's Act; the Act of the 3d George IV. c. 91. Under that Act, power is given to burgesses to call for an account of the funds under the controul of the magistrates; and also restraints are imposed upon their disposing of by sale, or feuing, the property of the public, except under the restrictions prescribed in the Act. The case which was brought since I have been in the Court of Exchequer, was a case in the Term before last, from the Borough of Dumbarton, where an application was made for an injunction to restrain the magistrates from selling a portion of their estates, in consequence of non-compliance with the conditions of that Act of Parliament; and accordingly they were restrained from selling the property; and the case has there terminated. That is pretty nearly the whole of the judicial business of which I am aware, except what relates to the appeal cases and the signatures. With respect to the signatures, it has not been usual for a person who has sat in that Court as an English Judge to take any part in what relates to the revising of the signatures. That has been always done by the other Barons. I therefore know nothing more of that; but, from my own observation, I know the time which it has occupied on the day in Term which is appointed for that particular business. The other Barons were in the habit of meeting at 10 o'clock; and while there were three Barons who did that duty, of course it was divided equally between those three Barons; and usually whatever business there was to do afterwards we proceeded to despatch when the business of the signatures was concluded, and which was generally between half-past 11 and 12 o'clock. Latterly there have been only two Barons; but it does not appear that the time occupied has been longer. It may be proper to state, that the reason of that arises, in all probability, from the great decline of the business arising from the prospect of what are called in Scotland parchment votes being abolished. That has made a very sensible alteration in the number of signatures, and consequently diminished that portion of the business. Then the remaining matter of judicial business is that which relates to the appeal cases in matters of Assessed Taxes. When a party appeals to the Commissioners in the country against an assessment, and a decision has been pronounced by the Commissioners, it is competent either for the party or for the surveyor to require that a case shall be stated. The case is accordingly stated by the magistrates, including the statements of the parties; and the case so prepared is brought before the Barons of the Court of Exchequer. The time that these cases occupy is certainly not much; you may dispose of a great number of those cases in two hours; and practically the form in which it is done is this, that the Solicitor of Taxes attends in the Treasury Chamber of the Barons, and reads the case to the Barons. He has with him the printed Return of cases which are made to Parliament, so that, if any question arises, there is an opportunity of immediate reference to those cases, to see how it has been decided in England, or how it has been previously decided by the Barons. There is also this advantage, that they may be disposed of at any time that is convenient; all that is required is, that reasonable and proper despatch should be given to the public.

How many of the Barons attend on those occasions?—Upon those occasions all the Barons usually attend. I do not recollect any case in which we have differed in the result.

Does the Lord Chief Baron take any part in the appeals, or is it left to others? —I attend always.

Does this business, in point of fact, occupy more than one day in each Term?—It comes very irregularly sometimes, and large arrears have collected, and it was more than could be conveniently done in one day; but I have no doubt, if fixed days were appointed, that giving a couple of hours at considerable intervals would be amply sufficient for despatching that business.

Then, if a case occurred in July, it could not be heard and decided till the following December?—No, in consequence of the vacation, unless two Barons attended for that purpose.

If there happened to be two Barons disengaged, could they, out of Term, hear such a case?—Yes, they could.

It appears in the Return, that there were about fifty or sixty cases of that kind in six months; is that a pretty fair average of the number?—I should think there are about one hundred in a year.

About how many hours might it occupy on the average to dispose of one hundred cases?—I should think I was going slowly to take ten in an hour. There might occur a question with some peculiarity in it that might occupy more time; but I should

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should say, that you might reasonably despatch ten in an hour. I should think that from ten to twelve hours in a year would be sufficient for the whole. There is another duty which the Barons execute, which perhaps ought more properly to be classed under the head of Judicial duties, which is, that in certain cases they are called upon to appoint what are called Tutors Dative. Since I have been Chief Baron, there has been only one contested appointment, which was in the Term before last, in the case of the Duke of Athol, and upon that occasion the Court were attended by Counsel. I think that case occupied about two hours and a half or three hours; and upon looking back to similar cases before that one, the only two at all recent, that were referred to, were, the one the case of Sir Thomas Moncrieff, and the other that of Sir John Anstruther.

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What is the nature of a tutor dative?—He is a guardian of the person and property.

Is the Committee to understand that your Lordship has now mentioned all that you consider to fall under the head of the Judicial duties?—Yes; I am not aware of any thing else that belongs to the Judicial duty.

Your Lordship mentioned, that the judicial days actually occupied by the Court of Exchequer in two years were about eighteen in the two years, besides the exceptions you have stated; how long does the Court generally sit on each of those days, in the discharge of judicial business?—The Court generally begins at eleven o'clock, and I do not think I have been on any judicial business any day later than three or half-past three; that is the longest time; for instance, if there is one or two undefended causes, they occupy an hour and a half or two hours. Where there has been a defended cause, I have never been in Court later than half-past three. The last cause that was tried might have been protracted to a very late hour, or perhaps even into the night, but that went off on the Counsel requiring a case; but if I were to take the average duration of sitting on judicial days at three hours, I think that would be a large allowance.

Is there any private or preparatory study in perusing papers and other matters that are requisite to enable the Judge to do the duty he performs in Court, in addition to the time spent in Court?—In the case of causes tried, you are always furnished with a copy of the Information, and that is all. I have no knowledge of the case except what I derive from the Information, and occasionally referring to the Act of Parliament for my own satisfaction.

Do the Barons go on any circuit in Scotland?—No.

Is there any business to require their residence in Edinburgh?—There is no judicial business to require their residence in Edinburgh. It might be an inconvenience if there was no Baron of Exchequer in Edinburgh to sign a fiat for the purpose of issuing a Writ of Extent; but save that, I know of none. That is rather a ministerial business, but it would not brook delay.

Does the business that comes before you consist of mere dry questions of law, or are there questions of fact mixed with it?—Both, according to the circumstances of each case; but the chief business during my time has been in trying cases where Informations have been filed.

With regard to the revision of the signatures, do you feel yourself bound to look only to the interests of the Crown, or to protect the parties also?—The object is of course to do that which is just. Probably the original intention was to protect the interests of the Crown; but there can be no doubt the Judge would equally protect the interests of both parties.

Is there any discussion upon the subject before the Barons, and are the Judges precluded from any further investigation by the act of the Judge in those cases?—I apprehend, that if the Judge, upon revising the signature, was to say, "Here is a case that occurs that is fit to be discussed," I suppose the Court would hear Counsel, if necessary; but no such case ever occurred within my knowledge.

Are the Commissioners of Supply of Assessed Taxes in Scotland paid officers?—No, they are not.

Can your Lordship state what number of Extents may be issued in the course of a year?—I do not know; all I have to do is to sign the fiat, on being satisfied of the sufficiency of the affidavit proving the debt and other circumstances; there have been very few indeed lately.

Your Lordship is understood to have stated that all Revenue cases can only be brought before the Court of Exchequer; have you, in all those cases of penalties, proceeded by a trial by jury, whether there is an appearance or no appearance?—Yes;

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—Yes; that is to say, whether the parties defended or not, the case must be proved.

In all cases where the case is not defended, do Counsel appear for the prosecution?—Certainly.

And none for the defendant?—None.

Do you consider it the special duty of the Judge in such a case to attend particularly to the case of the defendant, and to see that the case is proved against him?—Certainly; the rule I adopted was this, that if I perceived any thing in the evidence from which I thought, that if Counsel had attended, they would have had power to make any impression upon the Jury, as far as it was proper and reasonable to do so, I always gave the defendant the full benefit of that.

This jurisdiction not only embraces prosecution for penalties, but also the recovery of debts due to the Crown, and casualties of that kind that may be instituted on behalf of the Crown?—Yes, such may be instituted in that Court.

Can they be instituted elsewhere?—I apprehend not.

If a case of that description was instituted elsewhere, do you apprehend that it is part of the jurisdiction of the Court of Exchequer to issue a mandamus against the Court proceeding?—Practically I have had no occasion to consider such a case; but the Court has the power to remove actions relating to the Revenue brought in other Courts.

You mentioned that one case had gone off on a special case; will you explain the nature of a special case?—The case to which I referred was one in which the object was to recover the payment of duties; and after proceeding some way in taking the evidence, the Counsel agreed upon certain admissions; and for the rest, as far as the evidence had gone, they agreed to take my notes, so as to raise the question of law.

And upon that case the argument of the Counsel takes place before the Barons?—The argument takes place next Term, before the Barons.

It appears by the Return before the Committee, that in the year 1811 there were 518 cases brought, and the number of trials was 27; and in the following year, 1812, the number of cases brought was 402, and the number of trials 32; in 1813, 258, and the number of trials 55; and it appears that during the last year, out of 147 cases set down, there are only seven trials. Is your Lordship aware of any particular cause that should have made this difference between the number of causes brought and the number tried?—I am not aware of any.

Your Lordship is aware that many cases are compounded in the Exchequer without being brought to trial; do you know whether those compositions take place by the authority of the Crown Counsel, or without their authority?—The Court know nothing of the cause till it is brought before them; but I apprehend a large proportion of them are compromised by the Boards, and many of them are compromised by the King's Counsel, because a very considerable number of causes appear in the paper every Term; but of those causes a considerable number are compromised by the King's Counsel before the trial comes on.

Does your Lordship mean to say, that when a cause is set down to be tried, that cause is never compromised without the knowledge of the King's Counsel?—I cannot undertake to say that. I answered the question as I did, for this reason; that very often when a cause has been set down, and we have been ready to go into Court, we have been told, the parties are settling with the Lord Advocate, or with the Solicitor General; but speaking strictly, I judicially know nothing of a cause unless it is brought to trial.

In all those cases, the law which is administered is English law, according to the English forms?—It is.

And the whole law terms are English terms?—They are.

Is the law of evidence English or Scotch?—The law of evidence is English; but substantially I have found in practice that the main difference between the two, as illustrated in the cases tried, was, that one witness, if he is believed, is sufficient in England to establish a fact, and two are required in Scotland.

Does your Lordship consider, that a knowledge of the English law is necessary for a Judge to administer justice in that Court?—If I am to answer the question according to my own experience, I think that any Judge might administer it; but I can conceive cases arising where the knowledge of English law would be very desirable.

May not English Counsel practise before the Bar of the Court of Exchequer in Scotland?—I conceive so; I never heard of any one attempting to do so; but I do not know that there would be any objection.

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Are not the Solicitors of the public Boards in Scotland generally English lawyers?—I believe the Solicitor of Excise always is; and I do not think that in the two years I have been there, there has been a cause tried from any other Board but the Excise.

Did it not appear to you upon those trials, that the Jury and the Counsel also looked specially to the Bench for knowledge and direction, with regard to the forms and the course of proceeding?—I have no doubt if such assistance was required, they would look to the Bench for it; but I do not know any instance that occurred in which I saw it more than I should expect to see it in every case that was brought before a Judge.

Is it your Lordship's opinion, that a Scotch Judge, accustomed only to Scotch business, could be capable to administer the justice of that Court as a single Judge?—Speaking from my own experience, I have no doubt of it.

Are the Committee to understand, that the forms are by the English form of Information, which states the offence against the Act of Parliament, and the defendant merely says that he is not guilty?—Precisely so.

According to the English forms, a new trial may be moved for upon the ground of misdirection of the Judge?—It may.

Had your Lordship any particular practice in the law of evidence before your appointment to the Court in Scotland?—None at all; I had not only no practice in it, but a very strong conviction that if I had anticipated that more of that sort of duty would have been cast upon me, it would have been with me a decisive reason for refusing the situation I now hold.

The difficult questions to which you have referred would be difficult points in the admission of evidence?—Yes, there might be a question of evidence, and there might be a question of pleading.

Would an English Chancery lawyer have more experience in those points than a Scotch lawyer?—Certainly not.

Would he not be more conversant with the forms and modes of proceeding?—His ears might be more familiar with their names. I wish to state, that if I had anticipated that there was any duty of that kind to be cast upon me, I should not have accepted the situation; and I so state, because at the time the situation was offered to me, it was said that it might possibly be in the contemplation of Government to propose that the jury trial in civil cases should be put into the Court of Exchequer; and if there had been any such intention, I should have felt that mine would have been an improper appointment, and one which ought not to be made. I was aware that it was possible that there might occur occasionally a question of some difficulty; but I concluded that in all such cases there would be time for consideration, and that I should not be pressed to the performance of any duty but such as a man, without presuming too much confidence in himself, might reasonably undertake.

With reference to the Report of the Commissioners, to which your Lordship has referred, does it not appear that the opinion of the Commissioners proceeded upon the idea, that as the Court consisted of Scotch Judges, whose attention was exclusively directed to the business of that Court, those Judges might, in the course of time, have acquired sufficient knowledge to have administered English law?—They might have contemplated that, very possibly.

In the event of a misdirection of the Judge, is it competent, in the Court of Exchequer, to move for a new trial?—It is; but no case has occurred within my time.

In the English Court of Exchequer, would it not be competent to move for a new trial upon that ground?—It is.

If it be so competent, do you think that a single Judge could, with any propriety, dispose of that question?—I do not know why he might not, because I cannot suppose that any Judge, in trying such cases as occur in Exchequer, could be influenced by a desire to do any thing but to perform his duty; and if he was satisfied, upon argument, that he had committed an error, I suppose he would be willing to grant a new trial.

Is there any such thing known in the English Courts as the same Judge alone judging upon the question of a misdirection of his own in point of law?—I am not at present aware of any case.

As the greatest number of the causes in the Court of Exchequer are between the King and his subjects, may it not be supposed, that a Judge of high character is requisite to try causes of that description?—Certainly, those causes or any other causes.

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Do you consider it would be satisfactory to the people of Scotland, that a Judge, whose decision is not final in the smallest question between two individuals in a civil court, should be the sole judge between the King and his subjects in the Exchequer? —I do not see any inconsistency in that, considering the nature of the causes which are tried. I do not know why his judgment in a Court of Exchequer, in a case respecting penalties, assisted by a jury, should not be satisfactory to the people of Scotland.

There appears to be a great diminution in the number of Excise causes tried in the Exchequer within the last three years; is your Lordship aware of any particular reason for that diminution? —Not at all.

Do you not think, that if the smuggling were to return again in the Highlands, there might be a great increase in the business brought before the Court of Exchequer? —Very possibly there might, but I have not had occasion practically to inquire into that.

Your Lordship is probably aware, that previous to your Lordship's time, there used to be a great many cases of penalties for illicit stills from all parts of Scotland brought before the Court? —That may be the case, but I do not know any thing of it; it has been supposed, that in consequence of an alteration in the power given to the Justices, more cases are disposed of by the Justices than were disposed of formerly by them, which may have contributed to diminish the number of causes brought in the Court of Exchequer.

Has there never been one case for smuggling in the Customs in Scotland during the two years you have been there? —I do not remember any case brought from the Customs.

Are not all cases that arise in the Court of Exchequer, both upon Scotch and English law, conducted and argued by Scotch Counsel? —They are.

Are you aware that, in some instances, parties having good defences, prefer compromising the cause, to the risk of submitting to the costs incurred in the defence? —I have no means of judging of that; it is a matter of which I have no cognizance.

Does it consist with your Lordship's knowledge, that the two Chief Barons, who presided for many years in Scotland before your immediate predecessor, Sir Samuel Shepherd, were Scotch lawyers? —Certainly.

Is there any record of a time when there was not an English lawyer upon the Exchequer Bench in Scotland? —I believe that, practically, there always has been one.

In the event of an objection being made to the granting of a charter, would that be tried by the Barons of the Exchequer, or would it be remitted for trial to the Court of Session? —I apprehend it would be decided by the Barons.

Will you have the goodness to explain to the Committee the nature and amount of what you call the Treasury business? —The Treasury business belongs to the Barons of the Exchequer, who come in the place, to a certain extent, of the former Lords of the Treasury in Scotland, and as long as there was an hereditary revenue of the King, that hereditary revenue was under the control of the Barons of the Exchequer; for a great length of time, that was under the control of the Barons of the Exchequer, without an account being rendered to Parliament. Not very long ago, an Act of Parliament was passed, by which a direction was given, that the surplus of that hereditary revenue should be transferred to the Consolidated Fund; and then might have arisen the question, whether, in respect of that surplus, an account of that hereditary revenue might not have been required by Parliament. Now, that hereditary revenue is altogether abolished, and that makes, in my estimation, a very considerable difference in the condition of the Barons of the Exchequer, with reference to their Treasury functions, and it places them in a very different situation, because, as long as they had the control of that revenue, for which there was no account rendered to Parliament, it might be very proper that such a revenue should be administered under the control of persons who were highly responsible. Now, every thing has come under the direction of the Treasury here, and, in fact, as far as the Barons are connected now with the English Treasury they become the servants of that Treasury.

By what Act was the hereditary revenue put under the Treasury here? —The Civil List Act, which put an end to the hereditary revenue, and the consequence of which is, that now, for the first time, various payments, which are to a certain extent under the control of the Barons of the Exchequer, are to be submitted to Parliament, and to be voted by estimate.

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Have the Barons assumed the power which formerly belonged to the Lords of the Treasury by any Act of Parliament, or how did they come to act as Lords of the Treasury there?—They act, as I conceive, under the Act establishing the Court, and also in a great many instances they act by Writs of Privy Seal. The way in which the Treasury business is conducted it is essential I should state. The King's Remembrancer is the person in whose office all business relating to the Treasury is prepared; all petitions and all applications go to that office. In the first instance, the petition or application is read to the Barons, and they refer it to the King's Remembrancer or other proper officers, and the King's Remembrancer, or such officer, makes his report, and the Barons, when he reads that report to them, affirm or disaffirm that report, as to them seems meet; therefore, practically, the duties of the Treasury department are conducted chiefly by the King's Remembrancer, subject to the reading of that report to the Barons, and their approval thereof. When I was first appointed to that situation, I had no knowledge of what those duties were, and I asked for a return of the number of orders that were made by the Barons in the course of a year, and it appeared that they averaged about one thousand; but the mere return showed nothing of the nature or importance of the business to which those orders referred. A very large proportion of those applications are in matters relating to Assessed Taxes, which Assessed Taxes are under the control of the Barons of the Exchequer. I found, on looking into the matter, a very large number of those applications which were made to the Barons were applications which, as it seemed to me, and as I now have the concurrence of the other Barons for saying, were of a description that ought not to have been made to them at all, because, in a great number of those applications, the parties applying for relief had not, as they were required by the Act of Parliament to do, appealed in the first instance to the Commissioners in the country. If they had gone before the Commissioners, there would then have been before the Commissioners the party and the Surveyor of Taxes. The practice that is now established is, that if such an application is made, it is refused, unless the party has been before the Commissioners. The Barons hold that that is a sufficient reason for not entertaining the petition, and that circumstance is very material, because upon all the proceedings which are held in consequence of the application being made, in matters of Assessed Taxes, fees are paid upon each stage of the proceeding in the Remembrancer's office, and almost the whole of those fees are paid by the public. Now it is right that in saying this, when I may appear to be stating that which is to the disadvantage of another person, that I should add, that the fees are now collected according to a table authorized by the Barons; and that by a Minute of the Treasury, made in pursuance of an Act of Parliament, by which a fee-fund in the King's Remembrancer's office was established, those fees go to the payment of the salaries of the Remembrancer and the clerks in the Remembrancer's office; so that while the public are paying the fees which create the fee-fund, they are in fact, under the denomination of fees, practically paying the salaries of the officers and the clerks; and therefore, by the reduction of the number of applications of that description, there will be a corresponding reduction in the amount of the fees, but there will be no saving to the public, because in the event of a deficiency the public would still, under the Treasury Minute, have to pay the salaries. The Barons have lately, in answer to a Return required from them by the Treasury, stated their opinion, that it would be expedient to abolish those fees, and to pay salaries direct. The other applications that are made to the Treasury are in cases where poachers are in prison, and they apply to be released, or that their fines may be remitted, and small applications of that sort; but in general the applications to the Treasury are very unimportant of themselves; and they are practically all done by the King's Remembrancer.

Are you aware that in this country all such applications are made direct to the Treasury, and can by no possibility find their way into our Court of Exchequer?—Yes, it is precisely the same proceeding; only we act as the Treasury in Scotland.

You have stated that the cause of that business is, that commonly the applications are remitted to the King's Remembrancer, who makes a report to the Barons, which he reads in their presence, and that the Barons on the spot allow or disallow that report; in the ordinary course of practice, has it been found just and expedient commonly to allow those reports, or have difficulties and doubts arisen in any great proportion of the cases as to the truth of those reports?—In a great proportion of the cases, the report of the King's Remembrancer is confirmed. In a case where there is any difficulty, I generally have had a communication from the

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Remembrancer, who has made me aware of the circumstances, and I have looked into it.

Can you give the Committee any notion of the time that is occupied in considering those reports of the Remembrancer?—Generally speaking, the Court meets at eleven, and if they have Treasury business only to do, it lasts till about one. We meet four days in a week, Tuesday, Wednesday, Thursday and Friday, always in the term. I have already mentioned the time occupied by judicial business, and the rest of the time is occupied by the Treasury business; but, with respect to the Treasury business, it has often happened, that when there is a report that is required to be disposed of, I have, either myself or another Baron, gone out of term and disposed of it.

Is there any trouble attending any annual report of your cash intermissions sent up to the Treasury?—I am not aware of any trouble arising from that.

Can you state whether it appears upon the books, that regular accounts have been annually sent to the Treasury of the whole receipts and payments under the directions of the Barons of the Exchequer?—All accounts that are sent are made up either in the Auditor's office or in the Receiver-General's office; and whatever accounts we sign, we sign upon the authority of the proper officers.

Is not the whole control of the Revenue of Scotland under the management of the Barons of the Exchequer?—I do not consider that the Barons of the Exchequer have any control over the management of it except in what relates to Assessed Taxes. The Customs, Excise and Stamps are, in fact, under the control of the different Boards.

Do not they approve of all the collectors of the Revenue?—They approve of such surveyors as are connected with the Assessed Taxes. The only interference we exercise with respect to those individuals is, that the Treasury write a letter to the Barons of the Exchequer, to say that A. B. is recommended to be a surveyor; and they require from us to know whether he answers the description contained in the general rules laid down, before a man is appointed to hold that situation; and the Remembrancer inquires into these facts and reports them; and a letter from the Barons, founded on that report, is forwarded to the Treasury. That is the practical case of interference in so far as relates to these appointments; but the Comptroller of Taxes brings before us any surveyor who has misconducted himself, and we have the power of admonishing, suspending and removing such persons.

If any of the lieges complain of the conduct of those officers, is not the Court of Exchequer the Court which affords them redress?—The Court of Exchequer is the place to which they apply, no doubt.

How do you suppose those duties are to be performed, in the event of the abolition of the Court of Exchequer?—I conceive that it is expedient that the Judicial duties should be separated entirely from the Treasury duties; and I conceive that one of the first things that it would be incumbent upon the Treasury to do, would be to institute an inquiry with respect to the control and management of the Assessed Taxes; which is, in fact, the only part of the Revenue touching which we have any control that is at all efficient; and that is chiefly in the control we exercise over the conduct of the individual surveyors. Now, expressing my own individual opinion only, I have no difficulty in saying, that it appears to me, that there is no need for having matters connected with the Assessed Taxes partly under the control of the King's Remembrancer, (acting under the authority of the Barons) and partly under the control of the Comptroller of Taxes; but that, on the contrary, one or the other of those should be selected, and that the person so selected for conducting the business in Scotland should be placed under the control of the Tax Office. With reference to those matters where we may be considered to have some control over the actual expenditure, as in the Sheriffs' accounts, to which I shall presently refer, it seems to me that it is very desirable, that that should be separated from the judicial station, because it might happen that if it was made to appear that any expense which was objected to, upon estimates being brought before the House of Commons, had been sanctioned by the Judges, it would be placing these Judges in a disagreeable situation, to leave them liable to such observations. The case was quite different when they had the final control of the hereditary revenue.

You have the power of inquiring into the conduct of any of the surveyors taxes; have you practically, since you have been Chief Baron, had occasion to exercise that power?—Several times. A person is brought before us who is alleged to have misconducted himself, and then we hear of the complaint for

the first time; and the Comptroller of Taxes has stated to me, that if he had been corresponding with a Board regularly, they would have been from time to time made aware of other small circumstances of error in the conduct of the person complained of, which, when added to this last transaction, might have produced a different result from that which is produced when only the individual case is looked at.

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Then the next head is what relates to Sheriffs' accounts. The Sheriffs' accounts are audited by the Lord Treasurer's Remembrancer, Mr. Robert Montgomery, who has an office which is one of those regulated by Act of Parliament. He has a salary of about 400*l.* a year, and discharges the duty in person. Originally the Sheriffs were parties accounting to the Crown for monies they received on account of the Crown and paid to the Crown. Now the case is very different, because, in consequence of the increase of criminal business, the amount of the Sheriffs' accounts is very considerable, and is increasing. I think it now comes up to about 30,000*l.* a year. With respect to the regulation and control of the expenditure included in the Sheriffs' accounts, that is conducted entirely in the office of the Lord Treasurer's Remembrancer; but inasmuch as when the Sheriffs were paid out of the King's hereditary revenue, and the Barons held the purse-strings, they naturally exercised a control over that expenditure; and they appeared to do so justly, as the fund out of which they were paid was under their absolute control; and the practice now is, that when any dispute arises between the Lord Treasurer's Remembrancer's office and a Sheriff, with respect to an allowance, a reference is made to the Barons to express their opinion. It has been the practice for the Barons at intervals to frame tables of fees; but no table of fees for the officers in the Sheriffs' Court has been made since the year 1812; and upon a direction sent to us from the Treasury to look vigilantly after this increasing expense, we proceeded to make a table of fees, but which has not been published, in consequence of a doubt as to our jurisdiction to do so. An Act of Parliament, 6 Geo. IV. c. 23, having been passed, apparently vesting the powers of making such a table in the Lords of Justiciary, this matter has been referred to the Lord Justice Clerk for his consideration. Then there is another item of Treasury business, which is that which relates to Crown lands. The Crown has small detached portions of land, but it has only two considerable estates—one in Caithness, the other in Orkney. There have been at times suggestions made with respect to the expediency of placing those estates under the control of the Office of Woods and Forests in England. Now I confess, that in expressing my own individual opinion, I think that an undesirable course, because I conceive that persons resident in Scotland are the most competent to regulate the management of those estates; and more especially when I state that the Remembrancer has been two or three times personally in Orkney, and taken a good deal of pains to inform himself with respect to the details of it. I admit that if I did not foresee that in any event there must in all probability be a person in the situation of Remembrancer, it would not be worth while to keep up an office for the sake of managing those estates; but as there is a person competent to the management of them resident in Scotland, it appears to me that he is likely to manage the estates better than persons resident in London.

Might not he manage them by making reports to the Woods and Forests, as is done in Ireland?—Certainly; but I do not know what advantage would be gained by that.

Are there any other estates belonging to the Crown in Scotland?—Yes, there are Crown quit-rents; with respect to all which, it might be a question whether it might not be desirable to dispose of them, because they are of no great advantage, and they are very expensive and troublesome in the collection.

What trouble and charge have the Barons with respect to the Crown lands?—If any application is made with respect to a lease to be granted, or any outlay upon a farm, there is a report from the Remembrancer, and the Barons order as they see fit.

What is the income arising from the estates?—The Orkney estate, I apprehend returns very little, the land having come out of lease in a very bad condition, and repairs and improvements are necessary to do justice to the estate.

How happened it that it was in a bad condition, as it was under the Barons and the Remembrancer?—While under lease to Lord Dundas, the Barons had no control. There is another branch of the Treasury business, which is, where property falls to the Crown as *ultimus hæres*, and in cases of bastardy; in which event it rests with the Barons to dispose of that property, as it is done in the Treasury here; and

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this is done also upon a report from the King's Remembrancer; and it has happened once or twice that parties who were very eager in their applications have applied to be heard before the Barons by Counsel, who have never refused to hear them; but that is merely a matter of discretion.

Are there not rules you go by in disposing of those questions?—Yes; we always reserve a portion for the Charitable Fund, and generally distribute the remainder among those persons who appear to us to have been most attentive to, and most in the confidence of, the persons deceased.

Do you include also the revenues of the bishoprics?—Yes.

Have not the Barons also the charge of the public buildings in Scotland, with respect to which, although they are under the Woods and Forests, instructions are received from the Barons of the Exchequer?—It is very recently that they were placed under the control of the Woods and Forests; the Master of the Works now corresponds with the Woods and Forests.

You have also the duty of paying stipends to the clergy under the 40th of George the Third; does that occupy much of your time?—Not at all; those duties are purely ministerial, and they proceed entirely upon the report of the King's Remembrancer, which goes entirely by general rules.

Have you not also a duty to perform, in consequence of the Privy Seal Warrant of 1820, to grant leases of tithes, and to nominate students to bursaries under the Crown?—Yes, we do both.

Does that occupy much time?—The question of a lease is decided upon the application of the party, and it comes to us on the report of the Remembrancer. With respect to the bursaries, there has been generally a list from the University; but we have lately had under consideration the leaving those bursaries to be given according to merit, and competition amongst the young men in the University.

Have not they been hitherto given at the pleasure of the Barons?—Yes; but we have always had a list from the Universities, containing three or four names.

You have also to dispense two or three thousand pounds in charity; is there any principle laid down as to the class of objects among whom that shall be distributed?—The Barons usually select the persons who appear to them to be most deserving.

What is the largest sum given to any person?—Ten pounds a year.

Have you not charge of the public ground and buildings?—All the Crown property we have charge of.

Is that transferred now to the Woods and Forests?—Mr. Reid, the Master of Works, communicates with us, occasionally, still; for there was a question the other day, with respect to making a sewer round Holyrood House, and he applied to us to consider the plan; and we communicated with the Duke of Hamilton, the keeper of the palace, with a view to obtain his consent, which we did.

Are there any parts of the various duties now thrown upon the Barons of the Exchequer, which you think may be transferred either to the Treasury, to the Board of Assessed Taxes, or to the Woods and Forests, or to the same departments as in England discharge those separate portions of duty?—I have gone through those different heads with the Remembrancer two or three different times, and my impression is, that there must always be a person left in Scotland, who may communicate with the Treasury. The Remembrancer holds his office for life, and if he remains there, he is perfectly aware of the business of the Treasury department. I do not see any thing which might not be perfectly conducted by that sort of correspondence; and in point of fact, it appears to me that it would be more easily and more cheaply conducted; because there would be a great deal of that form of reports and petitions, and so on, that might be dispensed with. If the Assessed Taxes were taken away, I am convinced that, practically, the Treasury business would dwindle to a very small amount.

What is the salary of Sir Henry Jardine?—I think it is 1,700*l.* a year.

Would you contemplate that an officer of that description should be placed there to correspond with the Treasury, as being, from local experience, better able to give them information?—Yes; my own individual opinion is, that the best practical way of arranging that business would be, that there should be a person left there, with whom the Treasury might correspond, and that without any additional expense to the public. If there was always a Scotch Lord of the Treasury who might take a more especial charge of that correspondence, it would be likely to be quite as well done as it is now.

Do

Do you see any objection to those cases of bastard property lapsing to the Crown being referred to the Treasury, in the same manner as similar cases in England?—I do not see why there should be any more difficulty in reporting the circumstances of a case from Edinburgh, than from any place in England.

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Is there any peculiarity attending such cases in Scotland?—If they wished, for their guidance, to take any rule of Scotch law as a principle of distribution, it would be very easy for them to apply to the law officers of the Crown in Scotland for their opinion upon that subject.

It is stated here, that the revenues of the Customs and Excise are audited and passed in the Exchequer; is it your opinion that those would be better audited and examined by the respective public departments in England?—Practically speaking, I have no experience upon that subject; all that we do is, that those accounts are sworn to in our presence, and signed by us.

Then all that you do is to take the oath of the accountants, whom you consider responsible for their accuracy, and the Barons do not consider themselves responsible for them?—The Barons do not consider themselves responsible. The responsibility rests with the proper officers, who prepare and audit the accounts.

My objection to allowing the Treasury business to remain with the Barons of the Exchequer is, that from the change in the practice, by which every thing is now brought here, the Barons are placed in the situation of receiving directions from the Treasury, as if they were the clerks of the Treasury; which directions ought more properly, I conceive, to be given to an officer in the situation of King's Remembrancer. And with respect to the Sheriffs' accounts, I conceive that the making a table of fees would most properly belong to those Judges that preside in Criminal Courts, who may be considered to be the most cognizant of the business, and most competent to decide upon the extent of the duties which the persons perform who require remuneration; and in making a table of fees, they are exercising no power but what other Courts exercise; but I conceive that their control over the expenditure ought to cease when they make a table of fees, because, if they proceed one step beyond that, they seem to come within the description of Judges, more or less, making themselves responsible for the expenditure of public money; and therefore if there was a responsible person placed in the situation I have described, he would be in a situation to exercise control. The Lord Treasurer's office might be embodied in the same department with that of the Remembrancer's, and there would then be a means of auditing those accounts closely; and the person at the head of that department would be a person in such a situation, that he might communicate with the Judges without making them in any respect responsible for the payment of public money.

The Barons authorize the payment of all sums directed by royal warrants out of the hereditary revenues, and of all sums directed by special Acts of Parliament to be paid for public improvements, such as building and repairing harbours, canals, high roads and other public works, such as the Crinan Canal, Leith Harbour, &c.; what portion of labour attaches to the Barons in the execution of that duty?—To the Barons personally, none; all they do is to give their sanction to the expenses reported to them by the proper officer as having been fitly incurred.

Might not the same power be equally well exercised by the Treasury upon a similar report?—Certainly.

Are not the Barons of the Exchequer occasionally called upon by the Treasury to report to them as to the propriety of the expenditure?—Certainly; whenever an application of that kind is made to us, we of course exercise our discretion in reporting our opinion on the matter referred to us.

Must not it be very useful, with respect to Scotland, that there should be some quarter to which the Treasury can apply for such information?—I cannot conceive that such an officer as I have described might not, with perfect propriety, report upon it.

What description of applications are referred to the Barons in that manner?—They are things of very little importance.

There are small quit-rents and other incomes arising to the Crown; is it your opinion that it would be desirable to dispose of them in order to lessen the expense of collection?—I have no doubt of it; it is a very troublesome income to collect, in proportion to its amount; it is collected at considerable expense, and very little profit to the Crown, and might be a great ease to the individuals if they had the power of purchasing them.

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Then the result of your opinion is, that you can see no objection to the judicial powers now exercised by the Barons of the Exchequer being transferred to another Court, or to the duties which, as agents of the Treasury, they have to perform, being transferred to other departments?—Unquestionably that is my opinion, and I wish distinctly to state that it is an opinion to which I have not come without giving my most careful consideration. It is very difficult, in making the arrangements, where there are so many small points as there are with respect to this Treasury department, to sit down with a pen in your hand, and to make at once an arrangement which includes every thing; but I conceive, if a resolution was formed, that each particular branch of business should be disposed of in the way that will appear to be most advantageous to the public, the difficulty of arranging that would probably be overcome, and it would be brought to a clear result without much delay. If I am right in assuming that there would be an advantage in placing the Assessed Taxes under the control of the Board of Taxes, the matter would be reduced to a very narrow compass indeed.

You have said that you contemplate the judicial business being transferred to some other Court; do you contemplate any existing court, or the creation of a new court?—I contemplate an alteration in the judicial business, such as is proposed under this Bill.

What is your quorum at present for Treasury business?—Generally we all attend.

Is it the habit for the whole of the Barons to confer upon all these small matters, or is it practically arranged by the Chief, as is commonly the case where there is a large Court, with respect to small matters?—The business is really done by the King's Remembrancer, because in the majority of instances his report is confirmed, and if any thing occurs to me or to any of the other Barons, when the report is read, of course it becomes a matter of discussion. During the time I have been in the situation, I have been in that sort of habit with the Remembrancer, that when any thing special occurred, upon which he had any difficulty, he communicated with me.

If you throw this additional business upon the Remembrancer, or any person filling that situation, would you contemplate giving him any additional salary?—No; according to this arrangement he would not only have no additional work, but he would have less.

You have contemplated that the Treasury business should generally be separated from the Judicial business *de futuro*; but, discarding that idea for the present, and merely assuming that the business is to be done in future by the Barons, or by persons coming in the place of the Barons, is there any thing in your experience and knowledge of that business, that gives you reason to think, that even if the alteration were not made, of transferring the Treasury business to some other department, but if it were still left to be done by the Barons, or by a member of the Court of Session, the amount of that whole business, both Judicial and Treasury, would be more than such a Judge would have time to discharge, separate from his occupations as a Judge of the Court of Session?—I can answer that question no otherwise than this: judging from my own experience, I should say, that if a Judge of the Court of Session were to appoint four days before each session, and four days after each session, for hearing causes, that, according to any thing I have seen, would probably dispose of all the causes. There would then remain all the Mondays, when the Court of Session does not sit, when he might go to the Exchequer, and dispose of the Treasury business there; but, undoubtedly, I think it is a most material part of the case, that the Treasury business should be separated from the Judicial; and I should hesitate much more, if I did not contemplate that separation.

You are aware that all the Judges in the Court of Justiciary are also Judges of the Court of Session, although the whole of the Judges of the Court of Session are not Judges of Justiciary. The provisions of this Act are, that the Exchequer duty should be laid upon a Judge who is not a Judge of Justiciary. Have you any means of making any kind of comparison between the amount of separate duty that falls upon such Judges of the Court of Session as are Judges of Justiciary, compared with that which would fall upon the individual who should be appointed to do the whole of the present duties of the Barons of the Exchequer?—I should conceive that the Justiciary business was greatly more, and that in point of real labour, there could be no comparison.

Do

Do you consider the double gowns, on the whole, advantageous to the Scottish Bench, as affecting their independence?—That is a question which I do not feel myself justified in answering; I should say, that the nearer you brought the number of double gowns to single gowns, the better.

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Has it ever occurred to your Lordship that it might be advantageous that any other branch or department of the business should be carried to the Court of Exchequer, so as to occupy some part of the leisure they now enjoy; or has it occurred to your Lordship that there is any branch of the Judicial business done now in other Courts, or not now done at all, that would be better done by being united with the existing business of the Court of Exchequer?—It would be difficult for me to express any opinion upon that subject, because it would be undoubtedly expressing an opinion with respect to myself; but I have no difficulty in saying this, that I should have been very happy if any such arrangement could have been made; and that with a view to having that question considered, I referred that matter to persons in whose judgment, experience and station I have the greatest confidence; and when the question was first proposed to them, whether there was any thing that could be added to the Court of Exchequer, the answer immediately was “Yes, many things;” and many suggestions were made. Those suggestions were canvassed again and again; and I have no hesitation in saying, that after much consideration, however plausible they might appear to be at first, whenever it was attempted to reduce them to a practical shape, there always appeared to be objections which would prevent me from saying that I thought they would be advantageous to the public, as the Court of Exchequer is now constituted.

Are the other Courts of Justice in Scotland so overburthened with labour as to make it necessary to discharge them from some portion of their business?—That is a question which I do not feel competent to answer.

It has been suggested that the safety of the titles of property would suffer by the abolition of the Court of Exchequer; do you see any ground for that apprehension?—It does not appear to me that that would happen; but, on the contrary, if it was to have any effect, it would rather strengthen them, because a Judge that is kept in full employment is more likely to be a good Judge than one who has very little to do.

Does not your Lordship consider that the appointment of factors to absent persons and minors might be better transferred to the Court of Exchequer, who have a regular machinery, capable of auditing and passing those accounts, than in the Court of Session, where no such machinery exists?—That is one of the cases that have been considered; but let us see what would happen: the Barons could not do it in their own persons; it would be referred to the Remembrancer; and the Remembrancer would probably have an accountant who would perform that duty, and the Barons could do nothing more but decide any controverted point that arose; and that is what is done by the Court of Session.

Would it not improve the responsibility under which those officers act, that their decisions would be liable to the control of the Barons of the Exchequer?—It does not appear to me that there is much in that, because if there is any error in an account, the vigilance of the party interested is a security for its being discovered and corrected.

Does your Lordship know whether or not the jurisdiction before the Justices in Scotland, in Revenue cases, is generally considered as satisfactory?—I have no means of judging of that, except that there is a power of bringing any case with which the Excise is dissatisfied, before the Court of Exchequer; and during the two years I have been there, there has been only one case; and I infer from that, that the Excise has not seen cause for dissatisfaction. The case that was brought before us was a case in which there had been great negligence in making up the record; and the inference I drew from that was, that if there were more such cases, they would have been brought before us.

You are not aware of any cases in which it has been necessary to bring causes into the Court of Exchequer, because the Justice would not decide them?—I have not heard any statement of that sort.

Your Lordship has mentioned, that various propositions have been made to throw additional duties upon the Court of Exchequer, with a view of keeping up that Court?—That is not exactly what I meant to state; my meaning was this, that when I looked at the Court, it appeared to me that if there was to be a Court of Revenue, there must be a Judge; that, as the Court must be in the English form, there was a difficulty in placing it actually in the Court of Session; and that therefore,

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as the Court was to be kept up, it was desirable to make that Court as efficient as possible; and, therefore, it was not with a view of making a case for keeping up the Court, but by way of making an existing Court more useful, that I was anxious that the matter should be considered, not by myself, but by others; and it is only upon seeing that a plan was suggested which appeared to be a practical one, that I concurred, in so far as my opinion was required, in the arrangement proposed in this Bill.

What duties was it contemplated to add to the Court, in order to make it more efficient?—The suggestions were generally of this kind; what has been alluded to now, with respect to those matters of account. Some persons considered it might exercise jurisdiction upon subjects of bankruptcy; and before the Commissary and Admiralty Courts were abolished, it was suggested whether any portion of that business could have been done in the Exchequer.

Is your Lordship aware that there is a considerable arrear of business in bankruptcy before the Junior Lord Ordinary in the Court of Session?—That I know nothing of.

What do you contemplate to be done with the Court of Exchequer business, in the event of the single Judge being absent or ill?—I apprehend that there is nothing very pressing in the nature of the business, and I do not know that there is any reason why he might not adjourn over the case; and if there was a case of continued indisposition, that would be a disqualification for all his offices as a Judge.

Does not it occur to you that it would be a better plan to carry this jurisdiction generally into the Court of Session, allowing that Court to name a single Judge, as occasion might require, to perform the duty, reserving to the party to bring before the Court any questions of law that might require decision?—That is another view of it that might well deserve consideration; the only difficulty that there seems to be in that is, that the process being a peculiar process, and not that which is usual in Courts of Law in Scotland, it seems to be more properly vested in an exclusive jurisdiction. The difficulty seems to me, that the process being in the English form, there might be some jealousy entertained if it was not kept separate.

It is stated in the Bill before Parliament, that the change proposed will render the administration of justice, in matters of Revenue in Scotland, less expensive; can you state in what way that would be effected?—I apprehend it means less expensive to the public, by the reducing the judicial salaries.

There is a branch of business which has been proposed to be given to the Court of Exchequer, namely, that of awarding ministers' stipends and tiends; does your Lordship see any objection to the Court undertaking that duty?—It can only be as to the ministerial part of it; no question of law relating to tiends could be properly sent to the Court of Exchequer, as now constituted. That is one item of business, but the difficulty that has always appeared to me is, how you could get business enough to keep the Judges in employment.

Would not that department of business be more likely to be satisfactorily done by two Judges, proceeding in private upon the report of the Remembrancer, than by debating the matter in public before nine Judges?—I have always been led to consider that the public in Scotland entertain a considerable jealousy of the Court of Exchequer upon that subject. The objection to which I allude is no doubt in the course of being removed.

Do not you think that a better judgment as to the augmentation that ought to be given, might be pronounced upon a report from the Remembrancer, than a judgment decided under the influence of statements of Counsel in an open Court?

I cannot express any opinion as to the way in which business is done in the Court of Session; all I can say is, that if it was the pleasure of Parliament to transfer that duty to the Barons of the Exchequer, they would endeavour to do it to the best of their power.

Supposing the whole of the Treasury business were removed from the Barons; does it appear to you that business exists to employ one Baron in the Court of Exchequer, supposing such should be kept up?—Certainly not, according to my experience.

Supposing the Treasury business not to be removed, would there not be work enough for one Judge?—He would not have a very laborious life.

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The Right Honourable Sir *Samuel Shepherd*, called in ; and Examined.

YOU were formerly Chief Baron of the Court of Exchequer in Scotland ?—I was.

Be good enough to state to the Committee for how long a time ?—I was appointed in the month of May 1819, and was under the absolute necessity of resigning office in the month of February 1830, which I did with great reluctance.

Something more than ten years ?—Yes.

Have you seen a Return that is before the Committee, of the number of cases brought into Court and tried, distinguishing the defended and undefended causes, for a longer period than you were in office ?—No ; nor have I any cause-paper or account of the number.

[*The Return was handed to the Witness.*]

Have the goodness to mention to the Committee what you have found and know to be the business transacted by the Court of Exchequer ; and please to distinguish that part of the business you consider to be properly Judicial from that which, in some respects, may be deemed Ministerial, as being under the Treasury department ?—I do not know how, from recollection, to describe the different departments of business, unless by referring to a book which gives an account of the whole of them. In the judicial part, motions arise out of the informations that are filed ; some of which afterwards came to be tried, and some did not. A great many applications were made to the Court from time to time, which cannot be called of a judicial nature, by persons who complained, sometimes with reason and sometimes without, of little irregularities in the mode of levying the taxes. These were cases in many of which the parties, strictly speaking, ought to have appealed to the Commissioners of Supply ; still, as the matters were of very small account, and the parties had suffered the time to elapse inadvertently, the Court of Exchequer exercised (and I find it always has exercised) that sort of jurisdiction of giving relief in those cases where it appeared relief could be given ; and I thought it was a great advantage to Scotland, if I may use the phrase, at least to the poor people in Scotland, that they knew they had a tribunal to which they could offer their complaints, such as they were. They were always heard in a private manner. I do not mean with doors closed, but not through the form of a legal process ; merely by petition of the party, which on being referred to the King's Remembrancer for inquiring and ascertaining the facts, which he did by referring to the different offices, the Tax Office, or the department in which the complaint was made, and having ascertained the fact, the Chief Baron and Baron either did relieve, or, as in most cases, found the cause of complaint a mistaken one. I believe the parties were, generally speaking, very well satisfied at having had an opportunity of being heard. I always took care that they should be heard if they would come and state any thing themselves, and if the facts were disputed, they were required to be verified by affidavit ; that was seldom the case in these sort of cases. Another branch was that of disposing, for the Crown, of the property which came to the Crown as the *ultimus hæres*, or by escheat, as in cases of bastardy. On finding, from the petitions of different persons who would have been entitled to it provided legitimacy had not intervened, and endeavouring to dispose of it in the way the law would dispose of it, supposing they succeeded by a legitimate title ; reserving always some portion of that which had gone to the Crown, for beneficial purposes ; and that portion which was adopted at last was that which, if it had been succeeded to in the regular course of succession, would have been about the amount of the duty that the person succeeding, according to his affinity, would have had to have paid to the Crown. That, until then, had never been thought of in Scotland, and also, I may say, had never been thought of in England. Not long after I was Chief Baron, it struck me, when we were apportioning some property of this sort, that these people, receiving the bounty of the Crown, ought not to be put in a better situation than those receiving the property in the regular course of succession. On my mentioning it, it was adopted by the Barons of the Exchequer. I inquired, when I came to England, whether any such practice had taken place here ; and I found it had not, but they had a scale of diminution here. We adopted, generally speaking, the reduction I have mentioned. The duty of granting the property so devolved to the Crown in England is performed by the Lords of the Treasury. I happen to know from being in office in

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England, that they always referred these cases to the Attorney-General or the King's Advocate. If there was any doubt about the question of law, of course they referred it; but in ordinary distribution, that was done entirely through the medium of the Lords of the Treasury, who, generally speaking, adopted the recommendation of the law officers of the Crown. The law officers of the Crown had nothing to do with this in Scotland. That was entirely disposed of by the Barons of the Exchequer (if I may use the phrase) as Lords of the Treasury. The Lord High Treasurer is one of the constituent parts of the Court of Exchequer in Scotland, as is well known to the Honourable Committee. This branch of our business sometimes requires a great deal of private investigation, by inquiries to be made by the King's Remembrancer, and calling on people to come and state their degrees of affinity.

In those questions in which you have endeavoured to assimilate the succession of illegitimate to that of legitimate succession, you would inquire whether the party was domiciled in Scotland or not?—Certainly; and in all those cases we adhered to the law of Scotland, except in some cases in which we deviated a little, if I may use the phrase, from purely charitable motives; as in moveable property, through the medium of a mother, the children of the mother would not have taken any thing by the law of Scotland; sometimes, in those cases where there appeared to be an extraordinary motive for some charitable allowance, then we did deviate from the law of Scotland; but, generally speaking, that was the law by which we distributed all the property, and adhered to it in the same manner where the property that devolved to the Crown was real estate.

We understand the most important part of the proper judicial business of the Court was in trying informations for breach of the Revenue laws, exactions of penalties or forfeitures?—Yes, or for recovery of duties, with this addition (though I do not recollect ever having tried a case of the sort): actions brought against the officers of the Revenue for acts done in the execution of their office; for the powers of the Court of Exchequer of Scotland being not only composed of some of the remaining powers of the old Exchequer of Scotland, but having all the powers of the Court of Exchequer in England, we exercised this jurisdiction, about which, when I first went to Scotland, there seemed some little doubt. Suppose an action brought against an officer who has seized uncustomed goods, or what he supposed to be such, and the complainant brought the action either in the Court of Session or before the Sheriff, we then exercised the power which from the earliest times has been exercised in Scotland, of saying this to the pursuer or the plaintiff: "You shall not go on against this man, who has very likely committed blunders; you shall not go on against this man in another Court; we enjoin you not to do that; but bring your case here, and we will put you in a state of forwardness, in a precisely similar situation in which you would have stood in the Court of Session; we bind the defendant to plead in due time, and so on; you shall not go on in any other Court." There were one or two instances in my time where an application of that sort was made, and the parties did not proceed with the action; whether they found they had no ground to go on, or compensation was made to them, I do not know. One case was of considerable importance, and the first that turned our attention to the point; there was no doubt about the power of the Court of Exchequer in England, where it is a constant practice. The Court of Session, or rather some of the Judges of the Court of Session, on that occasion asked me a little about it. I explained to them on what ground we had so decided, and enjoined the action. I believe they were satisfied; there had been in early times a dispute between the Court of Session and the Court of Exchequer on the subject, and it struck me they were both equally wrong in the principles on which they acted, or rather disputed. They said, "You, the Court of Exchequer, are proceeding to order us not to go on with this suit?"—"Well," said the Court of Exchequer, "you have no right to go on with this suit, inasmuch as it concerns the collection of Revenue." But the Exchequer do not require the Court of Session not to go on, but they require the party not to proceed in the Court of Session; and, if the party does proceed in the Court of Session, he is subject to a contempt of the Court of Exchequer. Precisely the same thing takes place in England, between the Court of Chancery and the Court of Common Law. The Chancellor says, "I prohibit you from going on at Common Law;" and if a man does go on in spite of that order, he is liable to be committed by the Court of Chancery. That is just the case between the Court of Exchequer in Scotland and the Court of Session; one Court is not all superior to the other, but they are both Courts of co-ordinate jurisdiction, according to the matters coming within their jurisdiction;

Jurisdiction; that is a matter which, though it seldom arises, is a matter of considerable importance for the protection of officers of the Revenue.

Are you aware that any of those cases were ever argued and settled as to the point of competency of the Court of Session?—Certainly not during the time I was there, but there are cases in the books. My dealing in Scotch Law is very small indeed. I know there are cases in which the Court of Session has at different times refused to proceed in these actions, and said, "Go to the Exchequer." I recollect one of the Reports in Morrison's Cases. There was one case of considerable contest, which seemed to me to create almost a paper war. It was a great while ago, and is the same case to which I alluded when I said I thought both Courts were wrong. They did not seem to me to understand the principle, that the Exchequer only enjoined the party not to go on.

Do you know whether an action for damages against a revenue officer for excess, or improper conduct, has been actually proceeded with, and a decree against such officer obtained in the Court of Session?—I do not know that, but I will not undertake to say there may not be such in the books. I think I can say there was no such case in my time, for I think the officers of the Revenue would have applied by the Lord Advocate to stay the proceedings. The case I alluded to, as one in which the party was ordered not to proceed in the Court of Session, might have been pursued so as to raise the question. It was an action against Admiral Otway, and some of his crew, for taking certain persons on the coast, who I think they said were foreigners, and imprisoning them. In that case the matter was considered by my learned brothers and myself. The pursuer did not come into the Exchequer; it never was tried there, and I believe it was compromised. There is another part of the jurisdiction of the Court of Exchequer, which is judicial, and which is to a certain degree important. In laying informations before the magistrates for penalties for Post-horse Duty, or other duties, it sometimes happens that the magistrates, under a mistaken notion of the law, have said, "This is not a competent prosecution; you do not come in time, or you have not had permission from the Commissioners of the Stamp Office to pursue this information;" and in consequence of the magistrates below having convicted in one case, an appeal being made to the Quarter Session under the Statutes, the objection was taken, and the Justices of Quarter Session construed the law so as to decide it was not a competent information. That was a pure question of law. The party, who I think was the lessee of the Post-horse Duty, came to the Court of Exchequer for an order on the Court of Quarter Session to hear the evidence, and to decide on the case. It was not to tell them how they were to decide, but that they were to hear the case, and to decide it; it was in the nature of a *mandamus* to the Court of Quarter Session or the Justices to hear. After some considerable argument, neither myself nor my learned brothers had any doubt on the subject. The Court of Exchequer in England has the same power, though it is not often resorted to, because the Court of King's Bench, from its superintending power, is the general resort for a *mandamus* to compel the Justices to hear.

Is not the removal of causes from inferior magistrates by *certiorari* one of the duties?—Yes; the removal of convictions, when they relate to mere matters of Revenue, into the Exchequer; on which removal we do not decide at all upon the facts disputed, but only on what appears on the face of the conviction as a question of law, precisely as the King's Bench decide in England on any decision of the magistrates which is removed by *certiorari* into that Court. There are other matters that may be considered judicial, which have been lately cast on the Court of Exchequer in consequence of the Act of Parliament of Sir William Rae; I mean applications to the Exchequer on the subject of the common good of the boroughs. It is quite a novel proceeding, but I think, from what I saw, it was useful. I think it was extremely useful in this way, that it prevented persons, every now and then, and perhaps without foundation, from finding a great deal of fault when there was no fault to find; and when they were satisfied they had a tribunal to which they could come to have matters investigated, they took the pains to investigate them for themselves, and often found there was no cause of complaint where they had previously fancied there was. We had some few of these cases before us, and in several of them we found that there was more of fancy, generally speaking, in the grievance complained of than reality. In some others some small matters did arise, but after investigating the accounts of one borough, it positively became a question, whether the revenue of the borough had not been exceeded, by granting the baillie a new pair of boots every year. There was a case of Edinburgh,

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cannot exactly recollect the question) that arose on the accounts, but I know it was rather an important question, and there was a difference of opinion in the Court; whether we all four ultimately agreed I do not recollect; that was a question very fit and proper to be investigated.

I understand you to say, generally, that there was not a great deal of additional business actually thrown into the Court in consequence of that Act?—No; there was some.

You think the chief benefit of that tribunal being appointed was, that it suppressed useless and idle complaints?—That was one great benefit; for most of the cases brought before us died away; why, I do not know. At the same time they were all investigated by us whilst they were before us, but no ultimate decision was called for.

Are there any other matters of proper judicial business that occur to you, besides those you have mentioned, that occupy the time of the Court?—The appeals from the decisions of the Commissioners of Supply, which come to the Exchequer, go to the Judges in England in private; and of these there are a good many; in Scotland they generally come before the Court; these are decided on the face of the papers returned to the Court, who do not investigate the facts, except sometimes when the facts are not very clearly stated, and then it is referred back again for further information.

What would you say was the most important of the great bulk of the judicial business of the Court of Exchequer in Scotland?—The most important, I should say, was the decisions on the recovery of the King's debts, and penalties; because the King derives from his hereditary revenue considerable and important rights, which, though seldom necessary to be enforced by law, are matters of considerable importance.

At whose instance are the informations for the penalties and the recovery of duties generally filed?—The Solicitors, I believe, of the different Boards, which is the case also in England. The Attorney-General in England knows nothing about the matter till the information is instituted or filed.

Then it is the Board of Excise and Customs, and the Board of Taxes?—Yes; and the lessee of the Post-horse Duty is the person who institutes suits for himself, by the same process.

In point of fact, it is at the instance of the Boards, that are entirely transferred to London?—The Solicitor remains in Scotland, as he did before; and for any penalty incurred in Scotland, or any debt incurred in Scotland, the proceeding must be instituted in Scotland, as it was before.

But would there be any great injury, or might not there be some convenience, that such cases should be tried by the Court of Exchequer in England, instead of in Scotland?—I should think much inconvenience; you would have to bring the witnesses from far.

If the facts could be tried in Scotland, and the law be applied in England?—My notion is, that the Court who tried the fact should be those who apply the law; for you must apply the law as you are going on trying the fact; unless where you get facts found in the shape of a special verdict; but even in advising what must be the special verdict, your mind must travel with the law, as applied to the fact, in order to see what question is necessary to be raised into a question of law. I do not see very well how a Court could treat a case, without the consideration of what law is applicable to the facts before them.

The Court of Exchequer in England would be familiar with the law of Revenue?—Most certainly. In the Court of Exchequer in Scotland, when questions arose on Revenue matters, we did not feel ourselves bound exactly to conform to this law as decided in England, unless we agreed with the decision; we always consulted the law books of the Exchequer in England, to see what had been decided in every case either similar in principle or by analogy to the case before us. In order to enforce the law, you must have process from the Court that gives the judgment. Then you must have process from England to enforce the penalty of the law in Scotland; and then if there was any irregularity, or any reason to complain in the course of the proceedings, you must come to England for the purpose of having the point of practice decided here, and the order made; and so on.

Have you seen the Bill on which this Committee is sitting?—I have not.

The questions of penalty and debt are tried by a Jury, in presence of the whole Court?—Yes, there is no doubt as far as relates to trying the issue; I could try it by

by myself but for my particular infirmity; and I would not have trusted my own ears to try a cause alone upon any consideration.

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Is it requisite that the whole Court should preside at the trial of an issue, when, as your Lordship knows, the issue here is always tried under the presidency of a single Judge?—The Court here, that is, in Scotland, sits in the same way as in England when an issue at Bar, as they call it, is tried. They never found it necessary in Scotland to have a writ of *Nisi Prius* to try it by one Judge. That was never necessary, as the Court always sat at Edinburgh in one place. I could have sat and tried the causes while the other Barons were attending to the other business of the Court. That was often the case with undefended causes before my time. I found from my natural infirmity, that I could not trust myself even with undefended causes; therefore I required the assistance of my learned brothers, who were always extremely kind—at least of one, sometimes of two or three; and in some cases, where the question was a little difficult, I should have been sorry if I had not had the assistance of all the Barons.

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Your Lordship knows that in this country the issue is always tried by a single Judge, though there is the power of having it tried by the whole Court in certain extraordinary cases?—No doubt about that, and as well tried.

During the whole time you were one of the law officers of the Crown of this country, do you ever recollect a trial at Bar, by four Judges, for the decision of any Revenue cause?—Certainly not; if any question of law arose before the single Judge, of course he would reserve the question of law for the opinion of the Court; or when the question was of some difficulty, he would recommend a case to be made of it, or a special verdict, to carry it to another Court; and in Scotland, whenever a question of nicety or difficulty arose, sometimes on the Legacy Duty Act, or some other, the Solicitors on each side, under the advice of their Counsel, consented to have special verdicts taken, that it might be afterwards argued before us at the Bar. That was a much more convenient way, though sitting as four, than having the question decided on a sudden. Then if any difficulty arose, or they were dissatisfied with our judgment, they might bring it immediately, by writ of error, to the House of Lords. In one case, where the opinion of the Judges was divided, and we were two and two, I said, if the Lord Advocate would assure me that he would carry the case to the House of Lords to have the law settled, I would withdraw my opinion, and give judgment against my opinion. In that I followed the example of a great and able Judge in England, (Mr. Justice Heath, of the Common Pleas) who in a case of great importance withdrew his opinion, and gave judgment against it.

Is there any thing else that occurs to you to mention to the Committee as constituting any part of the Judicial business of the Court?—It does not occur to me.

The Act of Parliament says, the revisal of signatures shall take place in the Court of Exchequer?—Certainly; but I do not consider that a Judicial part of the business, though, to be performed by the Barons. According to the tenure of land in Scotland, that is a matter of great importance, and to be done with a great deal of accuracy. On the practical part of that I can say nothing, because at the first institution of the Court the Chief Baron was an English lawyer; therefore supposed to know nothing of Scotch tenure or conveyancing, and he has nothing to do with the revision of signatures. At the same time it is very important to be attended to by those who are the Judges of the Court; they sit down over the table with the Solicitors in order to compare the whole grant or charter with that which is desired to be renewed to the subsequent purchaser, to ascertain that no advantage is taken, and nothing more granted by the Crown than formerly belonged to it; and also to see that the rent or other due to the Crown is secured; for when any thing new is granted, the Barons cannot grant without the approbation of the Lord High Treasurer. This revision of signatures is a duty important to be performed, and of which every Term we had a great many; sometimes fewer than at other times. When the signatures were carefully revised by the Scotch Barons, the parties came into Court on the last day of Term, and surrendered the lands into the King's hand, who grants them out immediately, the Barons taking care that the proper fine, which is small, is regularly and properly paid and secured.

The performance of that duty is limited to the last day of Term?—Merely the surrender.

But the examination of the signatures?—Two or three days of the Term are always occupied in that duty; sometimes my brother Barons were engaged a whole

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morning, and sometimes more; and then the next day. I think two or three days before the end of the Term was allotted for this purpose.

On the last day of Term the form is gone through?—Yes, after the signature has been revised and settled, and signed by the Baron, who, with the Solicitors on each side, has examined it; then the party comes into Court and resigns the land, and then the signature is signed by the whole Court. That I think was a duty always performed by three Barons, that of receiving the surrender. I do not know that it is absolutely necessary it should be performed by three, but it has been always so done. Once we were in an awkward predicament as to how we could muster three Barons, for two of our learned brothers were ill.

Have you any means from notes, or exact recollection, of being able to state to the Committee what was the portion of time generally consumed in a Term or a year in the Judicial business, the particulars of which you have specified?—I have not; I have no notes or papers that would lead me to a calculation; sometimes they occupied more time and sometimes less. I ought to state this on the subject of the undefended causes. I thought it my duty, in the first place, and found it necessary, for the purpose of satisfying the Scotch Juries, to attend quite as much to an undefended cause for penalties as I did to those that were defended; and I am not quite sure that sometimes I did not more; therefore they took a considerable degree of time. I always took down evidence, and always stated it to the Jury. I thought a Scotch Jury would not be satisfied by my saying, “This, Gentlemen, is an undefended cause, and the case is clearly proved.” I know that is often done in England, but the Scotch Juries would not be satisfied with it. The principle of evidence was, that one witness, if believed, was enough. I always stated that was the law of the Revenue of Scotland, but not in the administration of the law of other Courts.

Though you are not able to specify with exactness the quantity of time consumed in Judicial business, can you give the Committee any idea of the proportion of the time of the Barons, consumed either in Judicial business or in Treasury or other business not Judicial?—I should be very glad if I could, but indeed I cannot tell.

Can you say generally which department consumed the most time in the whole?—As far as relates to the Court, I should think the Judicial business, taking it altogether, consumed the most; I rather think so.

Do you allude to the time which the Barons sat in Court; the whole of the business, both at chambers and otherwise, of course, was imperative, and took them from other avocations, and that ought to go into the estimate of the time?—Then probably the other business of the Court would consume the most time. The inquiries, the ascertainment of facts, and so on, made by the King's Remembrancer, either for the purpose of answering letters from the Lords of the Treasury, or for other purposes, when it became necessary to ascertain facts.

There are four Terms fixed for the Exchequer sittings?—Yes.

How many days in the week did you sit; every day?—We sat four days in the week, sometimes five.

Was Monday generally, or occasionally?—Occasional; Tuesday, Wednesday, Thursday, and Friday were the four days on which we sat; it was necessary we should meet every day of those four days, if we did not sit long; for petitions or applications might come to the King's Remembrancer office, of which we did not know until we came into Court.

What time did the Court generally meet?—Eleven o'clock.

How long generally did they continue sitting?—Generally till two; sometimes, very often in trying causes, a great deal later; seven, eight, or nine o'clock at night. Our ordinary hours were eleven o'clock, and generally speaking, unless we had something to detain us longer, we rose at two.

Had you never occasion to meet out of Term?—Yes, sometimes, on complaints made on the conduct of tax-gatherers or assessors, when it became necessary to investigate their conduct, and to see whether they ought to be suspended or dismissed, which the Court had the power to do. If it was matter that required immediate attention, we did that out of Term, which was not very often; but sometimes we did meet out of Term, in consequence of correspondence with the Treasury, for issuing precepts for money for building or other grants.

Was that a part of the duty of the Court of Exchequer, to give redress against the conduct of Revenue officers complained of by the subjects of Scotland?—Certainly. We considered that by the Statute passed at the Union, we had a general jurisdiction over all Revenue officers in Scotland; and whenever a complaint was made

made to us, we immediately sent a notice to the Board of Commissioners of such a complaint, requesting they would be good enough to send for their officers and examine into it, and they did so. We received their report, in answer; and we could, if there had been necessity, have suspended them. And as to the Board of Taxes, we several times did suspend and remove, in consequence of improper conduct. These investigations were sometimes matters of great importance. I believe the powers exercised by the Court of Exchequer in Scotland were very useful in keeping men in order in the lower department, in the collection of taxes; for they knew their conduct would be diligently looked into, and that they would be either suspended or lose their situations, if they misconducted themselves.

Were there, in your time, any cases argued on special verdict, that were of that importance that required several days to hear Counsel in them?—Certainly, there were several. Very few cases were ever reduced to special verdicts, which did not appear to me to involve very considerable difficulties in coming to a right conclusion on them, in point of law; they did not happen very often, but I never had more occasion to apply my mind, with anxiety, to the consideration of any cases, than I had to them.

Did you ever know an instance in which an undefended cause failed on the part of the prosecutor?—Yes, I have. I recollect some one or two, in which I remember stopping the cause, and saying, I did not think the Crown had made out a case; either from some doubt as to the facts, or from thinking there was some point of law that the defendant was entitled to the advantage. We heard a defendant plead his own cause; but, of course, we took care to prevent the defendant stating facts, unless he had some good witnesses to prove them.

You told us you had occasion to explain to the Jury the English law?—I never called it English law; I said that was the Scotch law for the last hundred years.

The forms were English?—Yes; and the rules of evidence.

Did it appear to you that the Counsel and all concerned look to the Bench and the Chief Baron for guidance on these questions?—They did me the honour to do so; and I took care to state the grounds of my opinion, in order that they might have an opportunity of objecting to it. There is one part of the Judicial business that is important to be attended to; I mean the granting fiaits for Extents.

Questions have occasionally occurred, on Writs of Extent, of considerable difficulty?—Yes, sometimes. The Act of Parliament, passed in 57th George the Third, for regulating the mode of granting Extents, was certainly a very wise Act, to prevent the Extent being made the means of oppression for private purposes.

Have the goodness to state to the Committee generally the nature of the Ministerial duties, either as Lords of the Treasury or otherwise, which the Barons have to perform in addition to their judicial office?—The first that would occur to me to mention is, their having presented every quarter a list of the establishment. It is made from what is called the Civil List in Scotland, and that part of the establishment payable out of the Consolidated Fund, and seeing they are regularly stated and ascertained, for the purpose of being sent to the Lords of the Treasury. Then on the subject of grants of money made under Acts of Parliament, the law requires that within a certain number of days after the beginning of every Session of Parliament, an account of such grants shall be sent up to be brought before the House of Commons. Among these there are a certain class, which are annual compensations for some of the offices that have lately been reduced in their emoluments, in consequence of the new regulations in the Court of Session. As to many of these, the Barons had powers given them, in conjunction with the Lords of the Treasury, of awarding a life-rent compensation to particular officers. With these there was no difficulty after they were originally settled. With the other, where the compensation was to remain according to the diminution, as they must vary every year, they of course came to be inquired into every year. Some of those we inquired into required only to be certified by the Lord President; others it was necessary to enter into, and have verified on oath, in order that we might inform the Treasury the amount required to be paid to the particular officer for diminution of income that year. This, as soon as it is settled by order of the Barons, is transmitted to the Lords of the Treasury, there being a provision in the Act of Parliament, that no grant shall be carried into effect until a given number of months after a copy has been laid on the table of the House of Commons. This cannot be called Judicial, as it was part of the business done with the Lords of the Treasury. Another part of the business arose from time to time, from persons applying to the Lords of the Treasury for redress in particular cases. Whenever that was the case, the Lords of

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the Treasury always wrote to the Barons of the Exchequer, desiring they would inquire and report to them the result of such inquiry; sometimes also desiring the Barons would report to them the facts of the case, with their opinion on them. This very frequently formed a very considerable portion of our duties.

These were remits from the Treasury to enter into the merits of applications and memorials presented to the Lords of the Treasury?—Exactly so.

In the application for the grants of public money, was any communication made to the Barons in regard to them?—Almost all the grants for public money were remitted to the Barons, for the purpose of reporting on them. Sometimes the applications were made originally to us; the answer always got from the King's Remembrancer was, that the application must be made to the Lords of the Treasury, as it could not be done by the Barons without the sanction of the Lord High Treasurer.

When there were grants made of public money, was it part of the duty of the Court of Exchequer to see those grants applied?—As far as they could. There was a grant made for the repairs of Holyrood House. The Court always called for the accounts of how much had been expended, and I believe they were most correctly and honourably certified by the architect, and also beforehand as to the amount of the estimate of the expenditure.

Was the grant to Saint Giles's church made in your time?—Whether it was ultimately made in my time I do not recollect, but it was a good deal a matter of discussion and correspondence as to what extent the grant should be made, and as to the application of it; whether it should be merely for keeping in repair the exterior of the church, or whether any part should be expended on the interior. It was the intention of the Lords of the Treasury that it should be for the exterior of the church.

In all those cases, when you made a Report on such remits, either for the grant or application of public money in Scotland, are the Committee to understand that the Barons personally made the inquiries, or were they made by any other officers?—By the King's Remembrancer, and generally so certified by him, that it very seldom happened that we found it at all necessary to make any further inquiry; but we very frequently did. I really only do justice to the King's Remembrancer when I say, that he is one of the best officers I ever saw in the course of my life. Doubts sometimes suggested themselves to him, and he wished we should see the King's architect or others, and investigate it ourselves.

You always examined the Report, and satisfied yourselves of its accuracy?—Yes; not only was it always read to us by the King's Remembrancer, but we frequently had considerable conversation with him for the purpose of being perfectly satisfied how the fact was.

But the detail of the investigation was undertaken by him?—Yes, we had no other means exactly of investigating it. It is like referring a fact to a Master in Chancery.

Had you any trouble as to the Sheriffs' accounts?—Sometimes. The Sheriffs' accounts were settled by the Lord Treasurer, not in the King's Remembrancer's department, although he attended a good deal to it. It frequently happened, that there were disputes on what should be allowed and disallowed, and the Lord Treasurer's Remembrancer always came to the Court whenever that was the case, or the Sheriffs themselves applied. That brings to my recollection, that an alteration took place when I was there in this respect. The Scotch Sheriffs were put to very considerable inconvenience at times, in being under the necessity of making advances out of their own funds before their accounts were finally closed. This was considered as a grievance by the Sheriffs; a representation was made to the Treasury in consequence. They also thought it a grievance, and the Lords of the Treasury wrote to the Barons, authorizing them to make advances to the Sheriffs of the different counties to go on with their business, which sums were to be accounted for by the Sheriffs.

The Committee wish to be informed, whether the Barons examine into the details of the accounts rendered for the management of the estates belonging to the Crown in Scotland, and how often those accounts were rendered by the Interim Chamberlains, as they are called?—I cannot say.

There is the Chamberlain of Ettrick Forest, a demesne belonging to the Crown, who receives a certain salary; can you state to the Committee what duties, to your knowledge, that individual performs?—I cannot exactly state; I take it that the Chamberlain

Chamberlain of Ettrick Forest must receive whatever Revenues arrive to the Crown from Ettrick Forest.

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Does your Lordship recollect that in January 1827 the Barons of the Exchequer recommended the payment of a salary of 300*l.* a year to the Chamberlain of Ettrick Forest?—I cannot recollect.

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Can your Lordship recollect who were the collectors of the dues belonging to the Crown from the Archbishoprick of Saint Andrew's, and in what way his accounts were submitted to the Court?—I cannot recollect who the persons were, or in what way the accounts were submitted.

Are the accounts of the Chamberlains of the Royal Domains also sent to an officer of the Court, such as the King's Remembrancer?—Yes, I believe every account of the King's Revenue in Scotland comes before the officers of the Court of Exchequer, before the King's Remembrancer, or the Lord Treasurer's Remembrancer, in whichever department they happen to fall.

These accounts are ultimately certified by the Barons?—They are.

In affixing their certificate to them, do the Barons inquire into the truth of the Report to the Remembrancer, except when their attention is called by any statement of doubt or difficulty?—They do not inquire.

Do you consider the duty as properly a Ministerial one, rather than Judicial?—I do consider it more Ministerial.

Are the Committee to understand that the Barons do not inquire or look into any of the details of these accounts, unless where some points are submitted for their observation by the Accountant?—Generally speaking, they do not.

If a salary be fixed to a particular officer, of several hundreds a year, do the Barons act ministerially in fixing that salary?—Certainly not. If the Barons recommended, which I take it for granted they did, after what has been stated, in 1827, the 300*l.* a year, it must have been on a reference from the Treasury, in consequence of some application to the Treasury. I do not recollect the circumstance at all. They never could have done that in any shape but as on a reference from the Treasury. They could not perform such an act as that without the sanction of the Lord High Treasurer. There was a peculiarity about Ettrick Forest and Dunbar Forest, the particulars of which I cannot recollect. If the books of the Court of Exchequer in Scotland were here, by reference to them every thing of that sort would appear, and every inquiry be answered in a moment. I never saw books more regularly kept in my life.

Is there any other branch of the Treasury or Ministerial duties which you think it proper to state to the Committee, besides those you have already mentioned? You have gone over the quarterly accounts, and also the Sheriffs' accounts; the accounts of the Chamberlains, and such matters as appeals from taxes, and letters and orders from the Treasury; is there any other business of the description to which these belong that occupies any considerable portion of the attention of the Barons?—Whenever an application is made to the Treasury from Scotland, whatever the subject-matter, the Lords of the Treasury, I believe, uniformly transmitted it to the Barons for the purpose of inquiry. I believe so; but there must be a great variety of matters, the particulars of which I do not recollect.

In the Return before the House, there appears a great reduction of the number of cases tried, from the time when you began to preside; can you give any explanation of that?—I can give no reason for that, because I know nothing about the cases to be tried, until they come into Court. Whether the Revenue may be benefited by that or not, I cannot undertake to say; this might be one reason, for aught I know; but it is a mere conjecture. For aught I know, as the magistrates became more used to the decision of these cases, they might perhaps decide them better; not better than the Court of Exchequer, but more conveniently for the public, and at less expense. There was sometimes a little difficulty, not from want of integrity in the magistrates; but there was a little difficulty in getting the magistrates, on some occasions, to do exactly what was necessary for the protection of the Revenue. It sometimes happened that the penalties they inflicted were so very small, that it became a question of profit and loss with the illicit distiller, or with other persons brought before the magistrates, whether the profit was not greater, taking the chance of a conviction, than their not continuing this species of trade. There was one particular instance, no matter in what county, where this practice prevailed at one period of time to a very great extent: when the case came before me, I certainly thought that the law officers of the Crown in Scotland had brought a case before the Court of Exchequer, which, if the magistrates had done their duty as they ought

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ought to have done, was not right or proper for the law officers of the Crown to have brought to the Court of Exchequer; but they did it by way of example, and it had its effect. In consequence of what passed on that trial, I believe the gentlemen of the county were quite satisfied of the evil they did by not putting the law properly in force, not very strictly, but so as to deter breaches of the Revenue Laws from taking place. I can most truly say, that I do not think I ever saw, in the course of the time I was in Scotland, any case brought before the Court of Exchequer for prosecution, that I did not think was most properly brought; never. And I remember, in the case I just alluded to, saying, that had it not been for what had passed in a particular county, the bringing such trifling cases before the Court of Exchequer would be wrong; but I could not help thinking that the law officers of the Crown would not have done their duty if they had not brought that case before the Court of Exchequer. I know, from letters which I got afterwards, that I gave great offence by what I said. Although a list of the gentlemen who had presided was laid before me, I turned it down, and said, I was determined I would not see the name of any one person in the list.

Was there any case came before you of the magistrates refusing to hold Courts of Revenue at all?—I think there was; I think it was in this case that that question came before me; I think not in the shape of actual complaint, but it was so stated that there was no doubt of the existence of the fact.

Are you aware that there was any change in your time of the mode in which the Solicitors of the Board were paid for their duty?—In my time there was.

How were they paid originally?—When I first went to Scotland the solicitors were paid by fees; after I went to Scotland the Solicitors were paid by salary. When I say this, I do not wish it to be supposed that they would lessen their exertions because they were paid by salary. Whatever I saw done by the Solicitors of the Excise and Customs appeared extremely well done, and industriously done in cases where there required a great deal of industry to bring the case before the Court; but when I first went to Scotland, I am sure the Solicitors were remunerated by fees for all judicial business; they had a salary for what was called the House business, *i.e.* the private advice they gave to the Commissioners.

You did not make it your duty to inquire as to the practice of compounding cases?—That we never did.

As Chief Baron you had no occasion to do that?—No.

You were Counsel for the Crown in England a considerable time?—Yes, I was. Of course you had a good deal of employment in Revenue cases?—From the time I was made Solicitor-General I attended the Court of Exchequer constantly, and all the time I was Attorney-General.

Can you say whether it was the practice in the English Exchequer for the Boards to compound a considerable number of cases that might have been brought forward for trial?—Certainly; they were always compounded when they were brought into Court, by the Solicitor's stating to the Attorney or Solicitor General what was offered. In a great many cases the composition was very fit and necessary, as for instance, from the way in which acts of Parliament are worded, the same transaction would have involved a man perhaps in five or six penalties. In the case of a maltster for shifting his malt without notice, for watering his malt, or putting it on the kiln without notice; it is all one transaction of making malt; but for each of these acts he is liable to a separate penalty of 100*l.* or 200*l.* Whenever that sort of case was brought forward, it struck me that one penalty was quite enough to recover against the man, unless it was shown he had been doing something for which he ought to be visited with extreme punishment; for although the Act of Parliament has divided it into a different number of offences, that you may catch him in one, in truth it is only one transaction.

The Revenue Board have the power of compounding before the cases are brought into Court, and exercised that power?—I suppose they take the advice of their Solicitors. These previous acts are never laid before the Attorney or Solicitor General.

The defendant cannot recover costs in Scotland, in the Court of Exchequer, can he?—No.

Might not that circumstance influence defendants, in compounding cases, who have a good defence?—I should doubt that.

By the proposed Bill, you will see it is intended, that the jurisdiction of the Court of Exchequer should hereafter be executed by one Judge of the Court of Session; does it appear to you, that that will form a fit tribunal for the performance of

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of that duty?—It is a question of opinion I hardly feel myself competent to answer; but my notion certainly is that it is not.

Will you state the reasons that occur to you, on which that opinion is founded?—My grounds for that opinion are these: the Revenue Law of Scotland, and the mode of proceeding under the Revenue Law of Scotland, is as different from the law as administered by the Court of Session, both in its rules of evidence, and in its principles, and its mode of proceeding, (for they are almost all positive principles, founded on Acts of Parliament, and also on English law) as any two systems of law can be. I, an English lawyer, should have thought myself quite as competent, which is being perfectly incompetent, to have gone and taken my place as a Judge of the Court of Session, when I went from here to Scotland, as I should think a Lord of Session would be to take the presiding power in the Court of Exchequer in Scotland, with this disadvantage too, that being a single Judge, it is not like being made a member of a Court where there are learned lawyers already, under whom, if I may use the phrase (I do not mean it improperly) he may serve for a certain time a degree of apprenticeship. He comes perfectly into a new situation; to new duties, of which he never thought before. I should say he is perfectly uninformed, except as a man who is a good lawyer in Scotch law, or in English law, may be said to have a sort of judicial head, which will receive instruction more readily than a man perfectly ignorant of all general law. That is my notion; I may be wrong. The Court of Exchequer in Scotland had grown up in its practice under the auspices of two English Judges; because at the time of the Union, or just after, the Lord Chief Baron of the Court of Exchequer of Scotland had been one of the Barons of the Court of Exchequer in England. To him was associated another English Baron, I think Mr. Baron Scroop, who was what was called the English Baron. The Chief Baron was an English lawyer; the English Baron was also an English lawyer. The educated Scotch lawyers were called the Scotch Barons; the other three, in conjunction with these two, learnt the Revenue law, which was then introduced, for the first time, into Scotland: this went on until the time of Chief Baron Montgomery, the first Scotch Chief Baron, and the predecessor of Chief Baron Dundas. At this time, there was a very experienced, and sensible, and a very good English lawyer, who was the English Baron; I mean Baron Norton: he was a Baron of the Court of Exchequer before Montgomery was made Chief Baron, and might (I will not say teach) but assist Montgomery, when he first became Chief Baron. I hope nobody will suppose that I undervalue the intelligence of the Scotch lawyers; no man has a higher regard for them than myself. The two years that I sat with Baron Norton, I thought him an extremely good lawyer, and a very good English lawyer. If he had not read much law in the latter part of his time, he had acquired a good stock in the early part of his time, and he seemed to me to have forgotten none of it. Chief Baron Montgomery was succeeded by Dundas, who had the benefit of an able English lawyer, Baron Norton, who was in the Court during the whole of his time. After Chief Baron Dundas, I had the honour and the good fortune to be appointed Chief Baron of Scotland. Then Baron Norton died, and there was a Scotch lawyer appointed.

You are aware that your two immediate predecessors were Scotch lawyers; are you aware that neither of them was in the Court of Exchequer judicially, until they were put at the head of the Court?—Not judicially; they had both been Lord Advocate.

That situation necessarily implies, that they conducted all questions in the Exchequer on one side?—Certainly.

Of course the Chief Baron takes the main lead in all cases; he tries the causes?—He does; he tries the causes, but with the assistance of the other Barons, which, with respect to myself, was a most important assistance, for nothing should have induced me to sit and try even an undefended cause after I had once tried to do so, and found I could not do it by myself. I made the previous inquiry when the office was first pointed out to me. But for the personal defect which I laboured under, I believe I could have sat and tried those causes as well by myself as the Chief Baron in England, or any English Judge at *Nisi Prius*. At the same time, the sitting together oftentimes prevented us from doing that which has been done when sitting alone, reserving questions of law for the opinion of the Court afterwards; because although the matter might not be of such moment as to create a deal of doubt, yet when we had an opportunity to ask one another's opinion, we did not

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reserve questions, unless on special case, or on a special verdict, to go to the House of Lords.

You have said you thought a Judge of the Court of Session would not be the most competent to do the duties of the Court of Exchequer; have you formed any opinion of whether the business could be safely or advantageously committed to any single Judge, wherever he might come from?—On this question I might speak from prejudice: my notion is, not so safely as if it was committed to the Chief Baron, or any other Judge you please, with somebody associated with him. Speaking for myself, even without my personal defect, I should not feel myself so satisfied. I do not mean that I should want a companion constantly with me, but I should not feel so satisfied in my own judgment as I should by having somebody of experience, an able lawyer, with whom I could confer, to whom I could state my doubts, and who would sometimes, when my opinion was fluctuating, give a preponderance probably to the right side of the opinion. Another thing which would occur to me is this: by giving it to one of the Lords of Session, difficulties would occur from the circumstance of illness, or any absence which would create an interruption of the proceedings. I am supposing a Lord of Session perfectly competent in all respects. What would you do? The business of the Court must necessarily stop, or you must apply to some other Lord of Session on the spur of the occasion, who probably had never addressed his mind before to the consideration of any of these questions. I will put the case of an extent being applied for, which is a most important process for securing the debts and duties due to the Crown. I am supposing the Lord of Session should be the best Scotch lawyer that ever lived in Scotland. Without a great deal of explanation of the consequences of the extent, and so on, the extent might very likely be granted on an occasion on which perhaps a man who was used to the process of extent would say, "This is not a case for an extent; it is not proper that it should be issued." I know (but that might probably arise from their own reliance to a certain degree on me) for a considerable time after I went to Scotland, whenever an application was made to my brother Barons for the issuing of fiafs for extents, they always sent the Solicitor to me. I do not mean by this, that there is any magic in the issuing the process of extent.

Supposing that Parliament have made up their minds to abolish the Court of Exchequer in Scotland, do you think the remedy of referring it to one Lord of Session, and making the Exchequer in England a substitute for the Exchequer in Scotland, would be attended with less evils to the country?—If you send up to England for the purpose of getting an extent, before you got it back from the Exchequer in England your extent might be waste paper.

Were there many cases in your time in which applications of that summary kind were made, as to the granting of which there was any serious difficulty or question?—There did not appear to me to be any serious difficulty or question. In many cases there would have been, but for the 57th Geo. III.

Does any thing occur to you in the event of a new trial being moved for before the single Judge?—There would be the disadvantage of there being only a single Judge. There ought to be some other Judge before whom the new trial might be moved, as well as the Judge who tried the cause. There was not likely to be the same necessity for a new trial when the case came before the whole Bench as when it would come before a single Judge.

If it was on the ground of misdirection to the Jury?—Of course there would be the advantage of a new trial, which could not be had if there were one Judge, unless he altered his opinion.

There could not be that application before a single Judge?—The Judge might reconsider his direction to the Jury, in the same way as the Lord Chancellor might reconsider any thing he decides.

As to the facility of applying to the English Exchequer in cases of fiafs, what is the evil that occurs in the remoter parts of England, such as Cumberland, Northumberland or Westmorland?—They are more difficult than at home, where you can make the application sooner.

The distance between Northumberland and Edinburgh is only a few hours' ride?—Yes.

Do you think the Court of Exchequer in England might not direct the Sheriffs in Scotland to try a cause by Jury?—The Sheriffs of Scotland are extremely sensible men; but then the suit is for the recovery of the King's Revenue, and the recovery of the King's debts, and for the protection of the King's officers of Revenue; my notion would be, that the Sheriff in Scotland would hardly be fit to try the fact.

My

My notion is, that for the satisfaction of the subject, a Court constituted by a Lord of Session, if you please, of a superior character, is more satisfactory to the subjects at large than a trial by a Judge of an inferior jurisdiction. It is not like the Sheriff here, exercising the mere power of ascertaining the amount of damage; it is putting the Sheriff as the Judge deciding the law, which would be my objection.

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Can you state to the Committee whether you have formed any opinion, first of all, of the practicability and extent of the advantage of detaching the Treasury business from the proper Judicial business of the Exchequer, however that may in future be constituted?—Nothing, I confess, has ever suggested itself to me on that subject; but it might be done through the medium of any public officer you choose to institute or appoint in Scotland for the purpose; a Secretary of State, or Secretary of the Treasury in Scotland, if you please.

Does there appear to be any natural connection between the duties of a Court of law and the business of auditors which, as Lords of the Treasury, the Barons execute?—I do not see any necessary connection between the one and the other.

Does it appear to you it would be a loss or inconvenience to the subjects of Scotland generally, if the whole of the Treasury business now done by the Barons of the Exchequer of Scotland was transferred at once to London?—It appears to me it would be a disadvantage to Scotland.

But it might be transferred to some other officers than the Exchequer in Scotland?—Certainly.

In what respect do you consider it would be injurious to Scotland?—I think great delay would be created. In the next place, it would be absolutely necessary for the Treasury to have somebody in Scotland to inquire into particular and specific facts there; they could only have a representation made to them on paper, the truth of which they have no means of inquiring into here. I am only suggesting my own notions of the subject; but they must have some official organ in Scotland to perform those functions that are now performed by the Barons of the Exchequer, who are, in fact, exercising as it were the orders of the head of the Court, the Lord High Treasurer.

Would not they have the same facility of redress against the officers of the Revenue?—I think not.

In what way would they have redress?—I know not; unless the intervention of the Court of Exchequer was preserved in somebody, it does not appear to me that they would have any means of redress in Scotland.

You are understood to have said, that when the accounts of the Chamberlain and other officers are sent to the Barons by the Remembrancer, you affix your signature to the Reports without inquiry, unless your attention is called to particular parts?—Yes.

Do you see any difficulty in all such cases of the officer reporting such accounts directly to the Treasury, or to the Woods and Forests, without the Barons signing it?—No, except that there would not be the same immediate means of inquiry as to the part objected to?—Supposing there were points of difficulty objected to, must not the Remembrancer be left to himself to determine on it without consulting the Barons?—Certainly he must.

There is a Chamberlain of Orkney, who collects a certain sum, and has a salary; do you know whether that officer resides in Orkney or in Edinburgh?—Whether he resides in Orkney or in Edinburgh I do not know. It stands in this peculiar situation: there is a great deal of Crown property in Orkney, which was leased for many years to Lord Dundas and his ancestors at a very small rent; when he applied some years ago for a renewal of the lease, it was referred to the Barons, and they were of opinion, on making inquiries about Orkney, that it would be better for the Crown and the people of Orkney that the lease should not be renewed on the old terms, which was a mere nominal rent compared to the annual value of the land. Orkney was put by the Lords of the Treasury under the management of the Barons, who appointed a person to go to Orkney to execute the duties. I am not quite sure whether that is the Chamberlain or not. A salary was granted to that gentleman for the purpose of superintending the Crown Lands, and of laying out of the Revenues derived from those lands certain sums of money for their improvement, subject to the superintendence of the Barons. We had a most accurate Report as to Orkney, by a late learned Judge, Lord Kinneder, who was Sheriff of Orkney, which was sent up to the Treasury. The lands of the Crown in Orkney were said to be a disgrace to the island, being sub-let; and so on, and in a most unprofitable state, without inclosures, and the poor cottagers in a miserable state. That

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was the ground on which the Chamberlain, or rather a person to execute the duties of Chamberlain, was appointed. It was made a condition with him that he should reside in Orkney, and he was desired to consider it well, as he held a situation near Edinburgh, and he said he preferred it. He was a sensible intelligent man; his name I do not recollect; but whether he is the Chamberlain alluded to I do not know.

You stated, that the Barons, or the Treasury, received a Report from the late Lord Kirneder, as Sheriff; the question put is, whether any thing occurs to you, why the Lords of the Treasury might not, in all cases, receive information from the Sheriff directed to themselves, and determine on it, without its passing to the Barons?—They might do so, to be sure; there was this intermediate check, if I may use the phrase: the Remembrancer made the Report, and the Barons considered it, meaning to send it to the Treasury afterwards.

Have not the Treasury the means, by the public officers, such as the Sheriffs and others, of making the necessary inquiries about the lands, as well as the Barons of the Exchequer?—I should think they have; but if any information was necessary to be got from individuals in Scotland, they could not get it as speedily or accurately as if the Barons' attention was directed to it. I should say they often could not get it without sending for the individuals to London.

Do you recollect being consulted by Sir William Rae, in the year 1819, in consequence of certain Reports of the Commissioners to the Sheriffs of Scotland, with reference to the constitution of the Court of Exchequer?—I do not recollect it.

[*A Report of Sir William Rae, Lord Advocate of Scotland, dated 14th January 1820, was shown to the Witness.*]

Have you any recollection of having seen this Report?—Yes, I have; I remember having a conversation with some of the Judges, whether Sir W. Rae was present I do not recollect, but I should have supposed it was later.

Is it correctly stated there, that you were one of the Judges who concurred in that opinion?—I did at that time.

Have you had cause since to alter that opinion, or have you done so?—With respect to giving the double voice, I have not altered my opinion at all; with respect to its being necessary there should be five, practical experience has shown me that it is not absolutely necessary there should be five. The inconvenience might result from not having an unequal number on the subject of a Report to the Treasury; but as to the giving judgment, as soon as the Court was reduced to four, I found a practical mode of preventing the inconvenience of a division of opinion, by adopting what had been done in our Courts in England, for the purpose of furthering the purposes of justice, and carrying the question to the House of Lords; I withdrew my opinion, and gave my judgment as a Judge against my opinion as a lawyer.

Are you aware that by the Act passed in 1830, it is proposed to reduce in due time the Judges from four to two?—I was not aware of that.

To the Chief Baron and one Junior Baron?—No.

Would the difficulties and awkwardness of having an equal number of Judges attach to two as to four?—Certainly it would.

From the opinion given, does it appear to you that the expedient of calling in a Judge of the Court of Session to decide between two of the Barons, if they differed, would be a proper or safe expedient to solve the difficulty?—That might solve the difficulty. In all probability the Judge of Session, though he would come, as it were, to a new point, yet he would hear the explanation and reasons of the two different Judges, and then probably he would come, on that particular point, to a right conclusion as to which of the two were right, with some degree of chance of his being wrong, it is true.

In the event of a Judge of the Court of Session acting as a Baron of the Exchequer, might he not have something of the same advantage by hearing the arguments and authorities stated in any case that was argued?—Certainly; there is a great deal of difference between a well educated lawyer administering the general justice of the Court, and between his deciding a particular point which is the subject matter of dispute; it strikes me so; I reason it by analogy in this way: The Lord Chancellor, and the Peers who constitute the House of Lords, decide very properly and wisely upon questions of Scotch Law, though very often it has happened, that, generally speaking, they are not what we call good Scotch lawyers. There is a deal of difference between deciding a particular case, and undertaking the whole administration of the functions of a Court. A good Scotch lawyer or a good English

English lawyer might be able to come to a very right conclusion on one particular point arising in the law in which they were not generally experienced, who would neither of them be fit to exercise the whole administration of justice in that Court of Law.

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Would there be greater difficulty in a Judge of Session presiding in the Exchequer than there would be in a Chancery lawyer, who had never been in a *Nisi Prius* Court, or tried a criminal, going from the Chancery to a Common Law Court, and going circuit?—I think there would, for this reason: there are very few men in Chancery who have not at some period of their lives turned their minds to the general principles of Criminal as well as Common Law. The rules of evidence and the general principles of law are common to an English lawyer, though the practice and mode of proceeding is different; but the law of the Revenue of Scotland and the Common Law of Scotland are as different as possible. I should say, that I believe at first a Chancery lawyer feels himself a little nervous when he undertakes the functions of a Common Law Judge; but the study of the Common Law, and of the Criminal Law also, either has or ought to have formed part of his legal education. When a man in that situation goes the circuit, if he feels any doubt, there may be a motion for a new trial to the Court out of which the record comes. In the trying of a criminal he will not feel himself quite at home at first; and if any doubt in point of law arises, he defers giving judgment, and brings the case before the Twelve Judges at the beginning of the next Term, who are quite masters of the law. If you appoint a Chancery lawyer to the Court of Exchequer in England, he has the Twelve Judges conversant with the law of England and the technical rules of evidence.

The rules of evidence are the same, are they not, with one exception?—No, they are not; I think they admit something very near hearsay evidence, from the manner in which I have heard questions put by Counsel in the Court of Exchequer.

Martis, 21° die Februarii, 1832.

The Right Honourable *James Abercrombie*, Lord Chief Baron of Scotland,
called in; and further Examined.

YOUR Lordship has had an opportunity of seeing the short-hand notes of your examination?—Yes, I have.

Has any thing occurred to you, besides the correction made in the answers formerly given, which you would like to add to any part of the examination?—I wish to state something in regard to a question proposed by an Honourable Member of the Committee, respecting new trials. According to the practice of the Court, all the Judges of the Court are present. They are, in fact, trials at Bar; therefore, there being an opportunity of having the opinions of the whole Court, the chance of a new trial being required, appeared to me to be extremely small, under the present constitution of the Court. Under the Bill of 1830, I apprehend it is intended that all trials are to be conducted in the presence of two Judges, and under the present Bill the trials would be conducted under the directions of one Judge. If possible difficulties are to be contemplated, it might be stated, that, under the Judicature Bill of 1830, this difficulty might arise; namely, that upon a doubtful question, as to the admissibility or rejection of evidence tendered, the two Judges might differ in opinion; and if they did so differ in opinion, a question would arise, how they were to proceed. Is the trial to be at an end, or are they to send, as in other cases they are permitted to do, to require the attendance and assistance of one of the Judges of the Court of Session to decide between them? I put this as a possible case; but really I do not contemplate that reasonable men would permit such a circumstance to occur, or to influence their conduct. With respect to the question of new trials being moved for before one Judge, looking at the limited nature of the practice in the Court of Exchequer, it seems to me very improbable that any reason for applying for a new trial could arise, unless it should be upon the ground that evidence had been admitted which ought to have been rejected, or that evidence had been rejected which ought to have been admitted. If such a question should arise, I confess, for my own part, looking at the nature and quantity of the business done in the Court of Exchequer, I should have very little doubt, that upon application to the same Judge, to re-hear the arguments as to the

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evidence, that a fair and just conclusion would be come to. That I consider to be the state in which the question would be left under the proposed Bill. I can offer no other suggestion or opinion, unless it be the pleasure of the Committee to recommend, that, in the event of a new trial being moved for, the Judge should have permission, if it was thought fit, to request the assistance of one or more of the Judges of the Court of Session, as provided in the present Judicature Bill; in case of difference of opinion.

Are we to understand, that by the present constitution of the Court, with four Judges, a motion for a new trial is made to the same Judges, and disposed of by the same Judges who assisted at the trial?—In point of fact, according to the practice, all such applications may be considered as re-hearings before the same tribunal. There is one other circumstance I omitted to state, when I was last examined, which I wish to state for the information of the Committee, and for this reason; that it is a fact which has very considerable influence on my own opinions. There usually have been, in the Court of Exchequer, four Attorneys, who are admitted by the Remembrancer upon paying certain fees, and after having served an apprenticeship of five years to one of the acting Attorneys of the Court. The last Attorney who was admitted, Mr. Henderson, was admitted in the year 1818, as I understand; since which time no individual has come forward to become the apprentice of any one of these Attorneys; so that we are now reduced to three Attorneys in the Court, and with no prospect, in case of the death of any of them, of there being any one qualified, by having served the apprenticeship, to succeed him. I state this, for it did appear to me to be a circumstance which showed what the feelings of those were who might have an interest in inquiring into the state of the business of the Court of Exchequer; it seemed to warrant a conclusion; that, in their estimation, it was not likely to be a profitable speculation to embark in, in the hope of finding a livelihood in the practice of that Court.

These four Attorneys had the monopoly of the business?—Yes; I believe the number might be increased, but the usage has been to limit it to four.

How long has this vacancy of one in the usual number of four existed?—Inform it has only very recently existed. Mr. Henry McKenzie, a gentleman well known by name, has recently died; but for a great many years he had not been in a situation to attend personally to business, and his duties were performed by Mr. Stuart, one of the Attorneys of the Court. The circumstance on which I rely, as affording ground for the conclusion I draw from it is the fact, that since the year 1818 no person has come forward to be bound as an apprentice. Being bound for five years is a necessary qualification.

Does not your Lordship know that none of the present Attorneys have any apprentices, but do all the duties with their own hands?—They do the duties themselves, but if any person wishes to enter into that branch of the profession, he pays a considerable fee to the Attorney on apprenticeship, to qualify him for the office. I do not apprehend that the persons now practising in this Court would refuse the fee to admit the party.

Service to one of these Attorneys would be the necessary step to the same service in the monopoly?—Decidedly.

In recollecting what you stated about the number of days that the Court sat in Term, and combining that with what you have said, that all the trials were trials at Bar, are we to understand that the whole Judicial business is done during Term, or are there any sittings before or after Term for the trial of causes?—None.

How do you recollect the number of hours; is there any Return of them to be got?—As far as my Evidence goes, I speak merely from my own experience.

No record is kept?—No.

You have stated that you have looked over your Evidence; there is one part in which you expressed to the Committee your own opinion that the transferring of the Judicial business and all its functions to a Judge of the Court of Session, would be a practicable and advantageous method of disposing of it; the Committee wish to be informed whether your Lordship still remains of that opinion?—If the question points to the qualifications of a Scotch Judge to do the duty, I have already answered that question, with some modifications, affirmatively; and by that answer I abide. I answered the question, when it was proposed to me, simply in the affirmative, as the Committee were entitled to require; but I should be very happy if the Committee would permit me to state the grounds on which I have formed that opinion; for if I am in error, having stated those grounds, there will be

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an opportunity of detecting the fallacy into which I have fallen. When I had to consider that part of the subject, I felt that I might simply have said, this is a Court in which justice is administered according to the English forms; and that therefore there ought to be an English Judge in that Court. It appeared to me that if I had so said, I should probably have been held to have been free from blame, and certainly I should have consulted my own ease and interest in so answering; but I felt it to be my duty to look at the circumstances of the Court, to the nature and extent of the business to be performed in that Court, and also to the expense at which that Court was upheld. In looking at the circumstances of the Court, it appeared to me that this was a case obviously to be distinguished from that of the general proposition, as to whether a Scotch Judge would be qualified to administer law according to the English forms, because this is a Court which has been established for upwards of a century, during the greater portion of which time there were five Judges, four of whom were Scotch Advocates, and one English Barrister. There are also the officers belonging to the Court, who are conversant with the rules and practice of the Court; and therefore any Judge coming to preside in that Court would have the benefit of the experience and assistance of those officers who have been trained in the practice and rules of the Court. Also there are the Counsel who appear on behalf of the Crown; and as it naturally happens those gentlemen who are in the habit of being retained on behalf of the defendants are pretty generally the same persons. Then when I came to look at the extent of the business, and the nature of the business, it appeared to me, judging from my own experience, that I saw nothing, during the two years that I have been in the Court, which might not with perfect ease have been disposed of by a Judge of the Court of Session; and in order that the truth of that opinion may be best ascertained, I will state what the nature of the business was. The Judicial business consisted mainly in the trial of causes, proceeding upon informations filed at the instance of His Majesty's Advocate, and in which the defendants pleaded the general issue. The larger number of these causes were undefended. When the cause comes on for trial, the Judge has before him the information, and the Acts of Parliament; and he has also the assistance, if he requires it, of the Counsel and officers of the Court, who furnish him, if any question occurs, with the authorities on which the question so arising has been decided. In trying undefended causes, all that is required is, simply to see that the proof is sufficient to justify the Jury in finding a verdict against the defendant; and it appeared to me there could be no doubt on that point. The amount, therefore, of real work to be done in trying these causes, appears to me more fitly to be decided by reference to the number of causes that are defended, because it is upon the defended causes that questions of evidence are most likely to arise. Now it appears from the Return which is before the Committee, that during twenty years the number of defended causes affords an average of something under seven in the year, and if you take the last ten years, the average is about three and a half in the course of the year. When it is recollect, that in that Return, any case in which a Counsel appears, even where he has only what is called a watching brief, is included as a defended cause, it does not appear that there was likely to be much difficulty in performing that duty. The only other duties which I have been called on to perform, were when a question arose with respect to the poundage of a Sheriff, in the execution of a Writ of Extent. I confess it did not appear to me that there could be any difficulty in deciding that case, for the other Judges, with whom I had the satisfaction to act, were quite as competent to decide the question as any Judges could be. Another case that came before the Court, was a case in which a decision of the magistrates was brought under the review of the Court of Exchequer. Now it did appear to me that there was no great difficulty in supposing that a Scotch Judge should be capable of reviewing the decision of Scotch magistrates. The Legislature having entrusted the execution of the duty to them, it seems that a Scotch Judge must be perfectly competent to review their decision. With respect to any question arising under Sir William Rae's Act, it does appear to me, that not only a Scotch Judge must be fully as competent, but more so in some respects than an English Judge, to decide on any question arising under that Act. And lastly, with respect to appeal cases, in matters of Assessed Taxes, it also appears to me that a Scotch Judge is perfectly competent to decide on questions of law, which in the first instance have been decided by the Commissioners of Supply. Judging from my own experience, these are the duties which I have

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practically seen performed in the Court of Exchequer, and it does not appear to me that there are any duties which might not be performed by a Scotch Judge with the most perfect satisfaction to the public. Looking back at the quantity of business done according to the Return in the course of the last twenty years, I saw nothing in the Return which was calculated at all to shake the conclusion to which I had come, because the whole number of defended causes, in twenty years, is one hundred and thirty-four, and the whole number of cases in which there have been arguments at the Bar of the Exchequer during twenty years, amount to ninety. I have qualified my opinion by stating, that it was possible a case might occur in which the experience of an English Judge might be desirable; but in the event of that rare case occurring, it is to be remembered that the question would be argued, and the authorities bearing on the point would be referred to by the Attorneys who have been trained to the business and practice, or by the Counsel whom they might retain; and also it is to be remembered, that the jurisdiction of the Court is extremely limited, being limited to cases of Revenue. It therefore did not appear to me there was a ground for saying that an English Judge ought to be maintained in Scotland, looking at the nature and extent of the duties he has to perform.

You mentioned that, according to the constitution of the Court as now established, that in case of a new trial being applied for, the same Judges have to decide it who heard the question originally?—Just so.

Supposing two of these Judges were to hear it, would they have the power to call in the assistance of a third Judge?—I have so stated it; and I have also further stated, that if it was thought desirable, a power might be given under this Bill, to one Judge to call in the assistance of one or more of the Judges of the Court of Session.

In one of the answers which you have given, you mention that the Judges have, for a long period of time, been trained to the duty of the trials in the Court of Exchequer as now established; does your Lordship know whether there is any Judge now on the Bench of the Court of Session, excluding those belonging to the Justiciary, who have ever had any practice in the Court of Exchequer?—That is a question which I cannot answer, as I have no knowledge on that point; I have no knowledge of what may have passed before my time.

You also mentioned the circumstance of the officers of the Court being conversant with the practice of the Court; does it not occur to you that it will be very objectionable in a Judge applying for information to attorneys practising before his own Court?—I do not think I have so stated. I must have been very much misundertood, if it was supposed I said that a Judge was to apply to the attorneys for directions; what I stated is what is common to all courts, that a Judge would have the benefit and assistance he derives from those who prepare and argue the cause, and who refer him to similar questions that have been decided and reported.

You stated that in one of the trials that came before you, after it had proceeded a considerable way, it went off in consequence of a case being agreed on?—Yes.

Had no difficulty occurred, that led to such a proceeding?—No, none at all; it was merely because they knew the ultimate result would be, that a question of law would arise.

The Committee wish to be informed whether, in your opinion, it would be practicable or safe, that the whole of the Court of Exchequer Judicial business, and the whole of its Revenue duties, should be delegated to the Court of Session, generally, to be there disposed of, with such statutory directions and alterations that might be required, according to the forms and upon the principles of the Law of Scotland; whether there are any substantive difficulties in the way of directing the forms of the Law of Scotland to be applied to the discussion of those cases which originate on enactments applicable to Scotland?—I never considered that question, for it appeared to me there would probably be some considerable opposition made to that, from an apprehension that, if the form of proceeding was to be varied, there would be some difference in the course of decision; probably that might be unfounded. As to the practicability of doing it by means of Scotch forms, I am not competent to speak to that.

Then you are not acquainted with the forms of process in the Scotch Law Courts?—Certainly I am not.

Then, assuming that the forms of process in the Courts of Scotland are such as conduce to justice, does it appear that it would be a difficult thing to have the substantive

substantive provisions and enactments of the Revenue Statutes administered by the forms of law at present in use in Scotland?—It is probable that the means of doing so might be devised; but I would suggest whether the preliminary step would not be to institute a comparison between the cost and the despatch of the two forms of process; and that is the point on which I am not qualified to express any opinion.

Have you had any occasion to know what is the proportion of questions relating to the Revenue between the Crown and the Subject, which are actually tried and disposed of by the Scotch Justices of the Peace?—I have no information on that point.

Is your Lordship aware that upon cases which have occurred with respect to the illicit distillation of spirits, it frequently happens that the parties are the tenants of the Justices who decide the question?—That I have no knowledge of.

But if such should be the case, must that not affect the number of such offences and the mode of dealing with them judicially?—Certainly, it might be supposed to be a ground of suspicion; but I should be sorry, without sufficient reason, to impute to any persons that they might be so affected.

Does it occur to you that many of those cases might be brought before the Court of Exchequer if a cheap mode of trial could be established?—Unless I saw some plan for the purpose, I can express no opinion on it. If I am asked, generally, whether cheapness and despatch are good things, I answer in the affirmative.

Are you aware that the Barons originally went circuit?—I am not aware of that fact.

Is there any thing, in your opinion, to prevent the Barons going the circuit to administer the Revenue Law all over Scotland?—Certainly there is nothing to prevent them that I am aware of.

In cases where relief is asked from charges for Assessed Taxes, how would that relief be obtained in the event of the parties having delayed to appeal to the Commissioners of Supply?—The answer I have given to that question is, I conceive, this—that the first step to be taken is to decide how the matter of taxes shall be disposed of; and I refer to my former answer. In the event of such arrangement as I have before suggested being made, a party applying for redress would apply through either the Remembrancer or the Comptroller, as the case might require. He would present his petition as now; the Comptroller or Remembrancer, as it might be, would inform himself of all the circumstances, exactly as he does now; and he would forward his Report to the proper quarter, either to the Treasury or to the Board of Taxes, as might be; and the answer would be received through him, and given to the party; and I apprehend that in reality there not only would be no delay, but in point of fact I should anticipate from such a course of practice there would be greater expedition in giving an answer to the party, because at present the decision of the Barons is obtained by a Report made to them by the Remembrancer, or other proper officer, and according to the practice of the Court of Exchequer, nearly the whole of these petitions and applications are reserved to be considered during Term, because, unless they were so reserved, there would, as you may apprehend from what I have already stated, be very little or no business for the Barons to do during the Term, and there necessarily must be some considerable delay in consequence of their being compressed within the period of the Terms, the interval between the Terms being so considerable, as appears from the Evidence.

We understand he would have to report to the Treasury instead of to the Barons; in either case there would be a Report from the Remembrancer?—Yes.

The change would be, that the Report of the Remembrancer would practically decide the question, instead of the appeal to the Barons?—I apprehend the Report of the Remembrancer would decide no more than it does at present. The Remembrancer reports to the Barons, and they affirm, or disaffirm, just as they please. The Remembrancer would report to the Board of Taxes or to the Treasury, and they would affirm or disaffirm as they pleased.

Does your Lordship lay no weight on the local knowledge and experience of the Barons in such questions?—I really do not think that any local knowledge which the Barons possess is essential to the business being properly discharged.

Or any legal knowledge they may possess?—Certainly not in these cases.

The Committee wish to know, whether in cases of appeal of this sort, you do not think it is any advantage to the people of Scotland, in having the court of appeal so near, that they may state any further reasons to the Barons which may influence

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their decision in their Report to the Remembrancer?—Every thing passes to the Barons through the Remembrancer, in the shape of an application, and the same access would be open to them now as before; and I am the more confirmed in that opinion, because I have inquired and ascertained, that the course of proceeding as to application made to the Excise and Customs, from Scotland, is conducted in a similar manner with great ease and facility.

Does the Court of Exchequer consider as conclusive the Report of the Remembrancer, or do they apply to other parties?—They do not consider it conclusive.

Suppose that a party appeals against the Report of the Remembrancer, in that case what course would be pursued, supposing the Court remoyed here?—Precisely the same course as is pursued now. If a Report is made by the Remembrancer, and the Barons affirm that Report, and the party is dissatisfied, he presents a petition, stating the grounds on which he thinks the Barons have decided wrong; he would do precisely the same thing.

Supposing the King's Remembrancer makes a report to the Barons; supposing the parties consider themselves aggrieved, not deeming it satisfactory; what, under the circumstances, is the course for the parties to pursue, conceiving that to be the case?—I have endeavoured already to explain that; if they were dissatisfied, they would present a petition, stating the grounds of their dissatisfaction, and that petition would be considered and decided.

A petition to the Remembrancer?—No, to the Court, directly; but passing to the Court through the Remembrancer.

The court of appeal being on the spot, does not that afford an advantage to the parties appealing?—I really am not aware of any. We never see the parties; every thing is conducted by writing. The Remembrancer reports the matter to the Barons.

This business is not, properly speaking, a Court business, in which parties come before you as Judges; but application for grace and favour to you as Lords of the Treasury?—Entirely so; it is no matter of right at all.

The matter of right is as an appeal to the Commissioners of Supply; they have no *locus standi* before you, as a court of justice?—I have endeavoured already to explain this; all these applications are applications for favour and grace. The party presents his petition, which is left in the Remembrancer's office; the Remembrancer informs himself of the facts; he reports the circumstances to the Barons, and the Barons affirm or disaffirm the Report, as to them seems best. Whoever is to decide upon the Reports, the same course of proceeding will be followed, and the parties will have the same access through the Remembrancer which they have now.

You think the subjects of Scotland are likely to receive the same grace and favour from an appeal to the Treasury, as they do from their local institutions?—I cannot doubt it.

Does your Lordship think that the parties in Scotland would be equally satisfied with their cases being disposed of by the report of any officers, as they are now, with that of the Court of Exchequer?—I do not see any reason to doubt it; in neither case is it the judgment of the Remembrancer, but the judgment of another Board. The Remembrancer is nothing more than the channel through which the information passes to those who are to decide. When I say practically the Remembrancer does all the business, I mean to say he is the person who arranges all the business, and makes all the Reports; the ultimate decision rests with the Barons.

In your former Evidence, you mentioned, that in regard to the remits from the Treasury, as to Reports as to public money, that it was only in matters of trifling importance?—Generally speaking, they are so.

Do you apply that to the time when you were Chief Baron, or preceding?—I think very few matters have been of real importance, that have been referred to us; it may be said it is of great importance to refer to us, to report on all offices under the Court of Exchequer; and that was the most material point that I recollect to have been referred to the Barons in my time. The business of the Court of Exchequer, as connected with the Treasury, is of the most ordinary kind.

My question applied to the application of grants of public money to the Treasury?—I do not recollect that I have been called on to decide on any such questions; generally speaking, as to Treasury business, I think it my duty to state what I feel strongly. The Treasury business, generally speaking, is of a description that is unsuitable to the judicial character and station.

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With regard to the expediency of the Barons going the circuit to try causes in the country, we wish to know whether it is your impression, that it would be accompanied with a great addition of expense to all parties, as well as to the country itself, and the public in providing for the expenses of such circuits, and also to the parties, from the more formal way in which the business must be done?—That admits of very little doubt; if the Barons go the circuit, there must be three Barons, and a certain number of Counsel, and various expenses must of necessity be incurred.

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Does not the sort of jurisdiction exercised by the resident gentry, in point of fact, serve as an incentive to the people to venture on a trespass of the Revenue Laws?—I have had no personal experience to enable me to answer that question to your satisfaction.

The Right Honourable Sir *Samuel Shepherd*, called in;
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IS there any thing that has occurred to you since your last examination, in reference to the material points on which you wish to make any further communication to the Committee?—Nothing occurs to me except this, and I hope the Committee will do me the justice to believe that I am not offering my opinion as a recommendation of any thing. Towards the close of my examination, I was asked if it had occurred to me that any other branch of business might be annexed to the Court of Exchequer. Something has occurred to me which floated in my mind some years ago; whether it is a desirable thing for Scotland I will not undertake to say. From the annexation of the Jury Court to be part of the Court of Session, from the abrogation of the Court of Admiralty, transferring all the commercial cases from the Court of Admiralty to the Court of Session, there would be a considerable degree of increase of business in the Court of Session. It occurred to me, if that was the case, so as to give the Lords of Session more employment than they had time to execute, whether the functions exercised by the Lords of Session in the nature of the Commissioners of Tithes, might or might not be annexed to the Court of Exchequer. The consequence of doing that would be, that the length of the Exchequer Terms must necessarily be increased. There can be no objection to that, making them rather more coeval with the sittings of the Court of Session. Whether this change would be desirable for Scotland I do not undertake to say.

Your Lordship has mentioned, that on one occasion you had to remark on the conduct of Justices in the country, in regard to the mode of administering justice; do you know whether the administration by the Justices in Revenue matters in the country is generally satisfactory or not?—That I really do not know; I should rather suppose it is, because, otherwise, in all probability, in the shape of an appeal, or somehow or other, application would be made to the Court of Exchequer. The Solicitors who manage the business for the Revenue Boards in Scotland could tell that better than I can. They would show what is the course of proceeding. I believe Mr. Carr has attended; I know Mr. Debany has attended the Justices very often in the country on matters of importance.

Were you informed of the reason of Mr. Debany's finding it necessary to attend the Justices?—In some cases, where questions of fact were involved, and it was extremely important that the illicit transaction should be suppressed, he did attend. I believe Mr. Carr, after he was appointed, sometimes attended the Justices in the country.

If it should turn out that justice is not administered satisfactorily by the Justices; do you think there would be any objection in extending the jurisdiction of the Court of Exchequer to the small description of offences, supposing the expenses could be arranged?—It requires no extension of jurisdiction. The Court of Exchequer has the jurisdiction of trying the smallest offence which incurs a penalty. Power is given by the Act of Parliament to the Judges to inflict penalties. If in any particular districts the Justices do not do justice fairly to the Revenue or the subject, then there is an opportunity of bringing such sort of cases before the Court of Exchequer by information. There are some offences against the Revenue where there is most extraordinary ingenuity of fraud; and notwithstanding all the strict regulations, I should say, they are hardly fit to be tried by the Justices. In such cases as these it is fit they should go before a superior tribunal, assisted by a Jury to decide on the fact. When an Act of Parliament was passed some years ago

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for the purpose of bringing the proceedings of the Justices before the Court of Exchequer in England, and in Scotland too, I had some conversation with an extremely sensible man of that day, Mr. Carr, the Solicitor of Excise in England, a man of immense experience. My observation on it was this, that appeals should not be on matters of fact, for then the Judges of the Exchequer must decide on the fact; and I should always object to a Judge deciding on the fact, except he had a Jury to assist him in finding the facts.

Has it ever occurred to you to think, whether it would be advantageous or economical for the Barons of the Court of Exchequer to go circuit to try causes in the country?—It does not occur to me that there would be any thing very desirable in that. I doubt whether there would be economy in it, because the expenses of the circuit must necessarily be paid by the public and the Crown. There are certain sums of money allowed for the Lords of Justiciary, and for the Judge of the Jury Court. The expense would be added to the present expenses of the Court of Exchequer. In England, all Revenue causes tried by the Court of Exchequer are tried at Westminster. Civil causes arising in the Court of Exchequer are transmitted to the Judge of Circuit through the medium of *Nisi Prius* and assize.

Independent of the expense to the public, the procedure before a Judge on circuit would be more expensive to the parties?—I think it would.

Probably they would require Counsel?—If the party chooses to plead his own cause we always hear him.

Is your Lordship aware of the amount of the expenses allowed to a Judge of Justiciary for going circuit?—I do not exactly recollect. They are regulated by a specific Act of Parliament. Some have 100*l.*, and some 150*l.*, and on some circuits, I think, more.

Does it occur to you that there would be any objection to Revenue questions being tried according to the Scotch Law, and Scotch forms?—I should think so, but that may be from prejudice, for aught I know, in favour of the English forms, which produce the issue more expeditiously, particularly in Revenue causes, where there is nothing but the general issue, than the Scotch forms, which from the nature of the proceedings, though much altered and corrected of late years,—from the summons and defences, and condescensions and answers, and then extracting the issue from these things,—I think would make them more tedious, and probably not arrive at so good a mode of framing an issue for the trial by a Jury at least, because ultimately it must come to that in matters of any importance. As to the King's lands, the right to the King's lands is not decided in the Court of Exchequer in Scotland, except it happens to be on some question arising between him and an acknowledged tenant of his.

The whole process of law against land in Scotland, at the instance of the Crown, is ruled by the Law of Scotland?—Certainly. There is no instance, I believe, of any suit by the King, for the recovery of lands, since the Union. I remember once asking, to satisfy my curiosity, how the King would proceed; and I confess I did not find anybody to tell me.

Have you seen the proposed Bill?—I have.

Does anything occur to you, more than you have stated, with regard to the provisions of that Bill?—The most important alteration in the constitution of the Court of Exchequer, is that of reducing the number of Judges to one, and that one to be a Lord of Session; it appears to me that that would not be a desirable thing, if there is to be a Court of Exchequer in Scotland.

And you refer to your Evidence as containing the reasons for that opinion?—Certainly I do. An Honourable Member asked me whether a practitioner in Chancery coming to a Common Law Court would not feel a difficulty in trying causes or prisoners. I think my answer was, that at first he would probably feel himself nervous. I am not sure whether I added that the business of the Courts of Justice, according to English forms, both in civil and criminal cases, would in all probability, I should think, have formed some considerable part of every Chancery practitioner's legal education. I remember in my time many men, who intended to devote, and who did devote, the greater part of their attention to practice in Chancery, were in the habit of going the circuit I was upon, for the express purpose, in the early part of their professional life, of witnessing the trial of causes on the circuit, and also trials in the Criminal Courts. Many gentlemen who afterwards rose to great eminence in Chancery practice went circuits in the early part of their lives, and had a considerable portion of business on circuit; when their Chancery practice increased they

they ceased to do so. Sir Samuel Romilly went the Midland Circuit several years. Lord Eldon went the Northern Circuit for a considerable number of years. Lord Alvanley, whose practice was mostly confined to Chancery, went the Northern Circuit for a great many years. Sir James Mansfield was educated a Common Law lawyer; he never practised in Chancery before he had a silk gown. Lord Thurlow went the Western Circuit, as I have understood from Mr. Justice Heath, for a great many years; and Lord Loughborough, whose practice was confined to Chancery, I think, went the Northern. Sir William Alexander, who was a Master in Chancery, went for six or seven years the Home Circuit when I was first on the Home Circuit. So did Sir Arthur Pigott and Master Cox; so did Master Steele, and many others, until withdrawn by their quantity of business in Chancery, all went the Home Circuit. The Home Circuit was the general receptacle for those who intended to practise in Chancery, being nearest London, the most convenient, and, amongst other circumstances, the least expensive. Though a Chancery practiser may not be in the habit of seeing causes constantly tried, yet if he is a man of much business in Chancery, he must be a tolerably good common lawyer. As far as relates to the law of real property, it is more necessary for him to be a good common lawyer, than for a common lawyer merely in the ordinary practice of trying causes.

The Right Hon.
Sir S. Shepherd.

21 February,
1832.

Jovis, 1° die Martii, 1832.

Sir Henry Jardine, called in; and Examined.

YOU are the King's Remembrancer in the Court of Exchequer, in Scotland?—I am.

How long have you been in that situation?—About 30 years; that is, 20 years as Deputy Remembrancer, and about 10 years as Principal.

Have you during that time acted and done the duties of the office?—Constantly.

Is it not an office of the Court that requires the greatest attention?—It certainly does; it embraces more objects.

And does it not occupy more time?—Yes, it occupies more time.

Are you the oldest officer of the same rank?—I rather think I am.

Do you know the course of business of the Court, and the whole history of it?—I do.

Are you not aware that the business is partly Judicial, and partly Ministerial?—I am.

Do not the Barons sit as Judges, and also as Lords of the Treasury in Scotland?—Yes.

Are you aware that the present Lord Chief Baron has been examined before this Committee?—I am.

Have you had an opportunity of seeing the Minutes of his Evidence?—I have.

Have you also seen the Minutes of the Evidence of Sir Samuel Shepherd, the former Chief Baron?—I have.

Will you tell me whether, consistently with your knowledge, which goes further back than either of those persons, the account of the actual state and course of the business of that Court given by the late Lord Chief Baron is upon the whole correct?—I conceive the account given by the late Lord Chief Baron to be correct.

And is the account given by the present Lord Chief Baron, of the state and course of business in the Court of Exchequer at the present time, a correct account?—It is.

You think that they have given a clear and distinct account of the business of the Court, both Judicial and Treasury?—Yes.

Have you attended to that part of the Lord Chief Baron's Evidence, where he speaks of the time that was occupied, during his own experience, in the Judicial business of the Court?—Yes, I have; and I have reason to believe it is correct, as far as I know.

Now, from your knowledge of the anterior period, is it your impression, that about the same period of time was occupied with the Judicial business in the day, as the Chief Baron has stated to be occupied during his time?—No; in former times there was more time occupied in Judicial business, because there was more business. It has gradually fallen off.

Sir
Henry Jardine.

1 March,
1832.

Sir
Henry Jardine.

1 March,
1832.

For how long a time?—For several years.

Ten or twelve?—Yes, I believe 10 or 12.

Did you not furnish that Return respecting the Court of Exchequer in Scotland?

—It was made out by the attorneys who are clerks in the King's Remembrancer's Office; but I have every reason to believe that it is a correct account of the number of cases.

From the quantity of business done for years past in the Judicial department, is it your opinion that there is more Judicial business than can conveniently be despatched by one Judge in the Court?—No, I should think not more Judicial business than can be despatched by one individual.

Take the average of the last three years?—I do not think there is more than might be done by one Judge.

You have seen the Bill on which the Committee are now sitting?—I have, some time ago, not lately.

Are you aware that the object is ultimately to devolve the business of the Barons of the Exchequer upon one Judge, who is also to be a Judge of the Court of Session, though not of Justiciary; are you aware of that?—Yes.

Do you know generally the course of business, and the time of sitting of the Court of Session?—Yes.

Does it appear to you, that the time now occupied by the duties of the Judges of the Court of Session would be sufficient for that single Judge to do the Judicial business of the Court of Exchequer?—If the Judicial business was no more than what it is at present, I conceive that a Judge of the Court of Session, not being a Judge of Justiciary, might execute the Judicial functions.

I observe the Chief Baron states that it is his opinion, that if a Judge were to devote four days, or thereabouts, before every session of the Court of Session, and four days after, he thinks almost the whole Judicial business might be disposed of in those periods; does that opinion meet with your assent?—It does, in the event of the business not increasing.

Have you any reason to think, from the nature and course of the business, that it is likely to increase in time, or fall off?—I should not presume to give any opinion upon that.

You know, generally, the time that the Court sits for Judicial business?—Yes.

I think the Chief Baron said, that the Judges met about eleven, and were up commonly before two?—That is not limited to Judicial business, because they attend to Treasury business; the Judicial business being irregular, it may last for many hours longer than that, according to the nature of the trial.

The proceedings in that Court are according to the forms and the law of England?—Yes.

Have you had any occasion to observe, or no, whether subjects of nicety and difficulty upon that law occur frequently, or whether the business might be done by a Scotch lawyer, accustomed to Judicial business in general?—I should think it might; I am not aware of any points of any great difficulty that have occurred lately.

Is not the Treasury department that which your Office is chiefly connected with?—Yes; and the one that occupies more of my time.

Are you the head officer of that department?—Yes.

I ask you, generally, whether it has occurred to you, in the course of your experience, that there is any advantage in having this Treasury department connected with the Judicial functions of the Court of Exchequer, imposed upon a Court of Law?—There may be advantage arising from having the advice and opinion of such men as are Judges, but it is not absolutely necessary that they should be Judges; but the Treasury business might, in all matters of importance, be done by correspondence with the Treasury, the Board of Taxes, and the Board of Commissioners of the Woods and Forests in England.

You said that you had perused the Evidence of the present Chief Baron, and the late Chief Baron?—Yes.

Does it appear to you that their testimony coincides as to the importance of the business, or as to the length of time occupied in the discharge of it?—There is a little discrepancy betwixt the two certainly, though I do not think it material.

Is there any discrepancy upon the fact, whether the Scotch Judges cannot discharge the duty of the Exchequer in a satisfactory way?—I think the late Chief Baron Shepherd seems to think it would require an English lawyer.

Is

Six
Henry Jenkins

1 March,
1830.

Is there any record showing the period when the Court of Exchequer was first constituted?—I should suppose there certainly was, as there are records of everything.

Do you not know that this Court has existed for several centuries before the Union?—The Court of Exchequer in Scotland did exist a long time before the Union.

Do you not know that it is provided by the nineteenth article of the Union, that there should be a Court of Exchequer in Scotland after the Union, for determining questions concerning the revenue of the Customs and Excise, they having the same power and authority in such cases as the Court of Exchequer has in England?—Yes, I know that.

Would not any proposal by which the jurisdiction of that Court should be carried to England be a direct violation of that article of the Union?—It would be in opposition to it, certainly.

Was not that Court re-modelled in the Union?—It was re-modelled and established by the Act of Queen Anne, establishing the Court of Exchequer in Scotland.

By which the Court is to proceed according to the English Courts?—Yes.

Of what was the Court to consist?—It was to consist of the Chief Baron and four Barons.

And were English lawyers competent to be chosen?—Yes.

Since the date of the Union, has the Court of Exchequer been without one English lawyer on the Bench?—Never, to my knowledge.

Are you aware that by the fourteenth article of the Union, the present Customs in Scotland are set forth at that time to amount to 30,000*l.* per annum, and the present Excise of exciseable liquors in Scotland at 33,500*l.* per annum; and can you tell the Committee what is the gross amount of the taxation of Scotland now?—I cannot venture to give a sum, but, as I understand, the whole taxes amount to nearly four millions; but the precise sum I cannot speak to.

You do not speak as to the Customs and Excise only?—No, the whole Revenue of Scotland.

According to the natural course of things, ought the business of the Court of Exchequer, under such circumstances, to be greater now than it was at the time of the Union?—I do not feel myself competent to answer the question either in the affirmative or the negative, as there are many reasons which might be stated on both sides.

Are not the principal Judicial duties of the Court of Exchequer to recover the King's dues, and enforce penalties against those who transgress the Revenue Laws?—Yes.

May not the extent of those duties be affected by the extent of taxation?—Perhaps it might.

Did the Act which passed in 1830 make any alteration in the constitution of the Court of Exchequer?—Yes.

Are you aware what the duties of the Commissioners of Excise and Customs then were, and now are, as connected with the trial of causes and deciding disputes connected with the Revenue?—There is certainly a difference, because I understand that the Commissioners of Excise have the power of deciding cases.

Do you know the fact yourself?—I do not affect to know it fully.

Do you mean to say that the Commissioners of Excise in England decide causes respecting Revenue in Scotland?—To a certain extent; I apprehend they do hear reports and decide; that is what I understand.

If that is the case to any extent, might it not have rendered the increase of business in the Exchequer Court commensurate with the taxation?—It might have that effect.

Can you state any case within your own knowledge occurring in Scotland; which was decided by the Commissioners of Excise in London?—No; I have no access to know the cases that are decided in England.

Then have you any certain information on the subject?—No, I have not.

Now, by the Act passed in 1830, did not material alterations take place in the constitution of the Court of Exchequer in Scotland?—Yes.

Of what nature?—The Judges were restricted to two prospectively, the Lord Chief Baron and one Baron.

Sir
Henry Jardine.

1st March,
1832.

Was any provision made in the event of those two differing in opinion with each other?—Yes; one of the Judges of the Court of Session might be called upon to assist in any question of difficulty.

Supposing the English forms of proceeding to be continued in the Court of Exchequer in Scotland, and laying aside the saving of expense, does it occur to you that a more unexceptionable tribunal can be formed for discharging the duties of the Court of Exchequer in Scotland, than that which is provided by the said Act?—No; I conceive the duties would be equally well done by the provisions of that Act, but at a greater expense to the public from the salaries; that is the only difference.

Under that Act the inhabitants of Scotland, in questions with the Crown, have the advantage of the opinion of a Judge of high character?—Yes.

Namely, the Chief Baron?—Yes.

Is provision also made by that Act for those cases where a knowledge of the Scotch law is required by the assistance of one of the minor Barons?—I presume that was the object of the enactment.

Is provision by this Act made for the occasional absence of the Chief Baron, or one of the other Barons?—Yes, by there being two.

How is that difficulty supplied in the event of one Judge being appointed to discharge the duty?—It might be done in the same way by a reference to one Judge, or other Judges of the Court of Session.

Does any mode occur to you in the case of one Judge of the Court of Session being individually appointed to the Exchequer, which is what is proposed by this Bill?—It might be necessary to have reference to another Judge, in the case of absence or sickness.

You are aware that certain degrees of consanguinity and affinity form a ground of declinature to a Judge in Scotland?—Yes, by the practice of the Court of Session.

How could that be supplied if there was only one Judge in the Court of Exchequer?—In the same way as in the case of sickness or absence, by reference to another Judge.

Then one Judge could not discharge the duty?—He might not in those particular instances; but those are very eventful; they may or may not happen.

Might not there any relation of a Judge become indebted to the Crown, or he himself become indebted to the Crown, and if so, in what way would that debt be recovered?—I cannot conceive that any upright Judge could be so affected by propinquity as to act in favour of one person more than another.

Do you recollect the case of M'Dowall *v.* Simplic, in which Chief Baron Dundas was obliged to quit the Bench, in consequence of being surety for a party?—I recollect his declining to act from being surety in that case.

I think you said you thought the inconvenience of having one Judge might be remedied by calling in another?—Yes.

Do you consider in calling in another Judge who is not conversant with the usual mode of proceeding in that Court, he would be likely to decide satisfactorily on questions connected with the Revenue?—I think with very little preparation of the case he might; he could not do it instantly, but he might with a little preparation make himself master of the case.

The forms of the Scotch law have no resemblance to the forms of the English law?—No.

You were originally Clerk to the Signet, and know the forms of the Scotch law?—Yes.

Are English Bills, writs of *scire facias*, or *certiorari*, known at all in the Courts of Session?—They are not.

Do not difficulties frequently occur, in point of form, in the preparation of causes in the Court of Exchequer?—There are difficulties occur occasionally in drawing the information, in order to bring cases into the Court of Exchequer.

Have you known any cases where it has been necessary to send to England to have the information drawn?—I have, in order to have it drawn by English Counsel.

To the Judge, who is to decide on the correctness of such writs, is not the knowledge of the English law indispensably necessary?—I am not aware generally it would be necessary; but I do not presume to say there might not be a case where the knowledge of English law would be of great advantage.

Writs

Sir
Henry Jardine.

1 March,
1832.

Writs of Extent are writs of some nicety, are they not?—I do not hold that they are of great nicety; it requires nothing but a sound discretion and judgment in granting the fiat.

Do you consider any Judge capable of doing that, who has never directed his attention to it at all?—I do; in issuing the Writ of Extent, because I have seen Judges order the same to be issued with great propriety, who had not much experience in such writs.

By the provisions of the Bill, it is proposed that Writs of Extent, in the absence of the Judge of the Court of Exchequer, shall be granted by the Judges of the Court of Session, officiating as the Lord Ordinary on Bills?—Yes.

During the vacation of the Court of Session, is there not a different Lord Ordinary on Bills every week?—I believe there is.

Does it occur to you, that if it were thought necessary to abolish the office of Lord Chief Baron, still the duties of the Court of Exchequer would not be better performed by one Judge, exclusively devoting his attention to the duties of the Court, than by bringing in a Judge of the Court of Session, who has important duties in his own Court to discharge?—No doubt he might do the duties equally well, but I doubt if there is sufficient to employ a judicial person acting only in the Court of Exchequer.

Would such a Judge not perform the duties better by having his attention exclusively directed to English forms and English law, than a Judge whose attention was almost entirely directed to Scotch forms and Scotch laws?—Perhaps he might.

Have you any doubt about it?—No, because I think where one man's attention is exclusively confined to one object, he will be more master of the subject than another person who has other duties to perform.

You stated, that this Return is correct, so far as you know; from what materials was it made up?—It was made up from the Book of Exchequer.

By yourself?—No, by the Attorneys who keep the Records of my office, in the Law department.

Was there any other Return made up, to your knowledge?—I am not aware of any made up under my direction; there may have been other Returns got from the Attorneys without my knowledge.

Does the first column, of the number of causes brought, show the whole number where the parties had proceeded to answer in the Exchequer?—I presume it does, because the first column is entitled, "The Number of Causes brought."

That is your belief?—That is my belief; I am no further certain than that those materials were put into my hands by the Attorney who made up the list.

The Returns were to Lammas last, I believe?—Yes, to Lammas vacation 1831.

Then it only comprehends the causes before the present Chief Baron during six months?—No, eighteen months, I believe; but the precise period will appear from the Returns.

Do you know whether those Returns comprehend motions for parties to show cause why the accounts of executors have not been lodged under the 42 Geo. III. c. 99?—I rather presume not, because those are mere motions.

Out of those motions, do not questions of considerable importance frequently occur, with regard to the legacy duty, and with regard to the duties payable on legal succession?—Certainly.

If such questions arose, would they not appear in the Report of the arguments at law?—I presume they would, because the motion being made, would bring on an argument on the point of law, wherever there was a question.

Still, must not such causes be considered as having been brought?—Certainly.

In the Paper delivered to the Committee, the nature of the present establishment, and the details of the judicial duties, is given in page 7?—Yes.

Does not that comprehend all the judicial duties which that Court has to perform?—Yes, the first seven articles do.

The Barons judge complaints regarding the Assessed Taxes?—That is the Treasury business; but they also act in a judicial capacity, in the same way as the Judges of England, in determining appeal cases under the Assessed Tax Act, brought before them from the judgment of the Commissioners of Supply.

Where parties have neglected to appeal to the Commissioners of Supply in due season, and come to the Court of Exchequer for relief, is that Court guided by judicial views, or merely those of indulgence?—They act merely as Lords of the Treasury.

Sir
Henry Sardine.
1 March,
1832.

Are those several duties, stated to be performed by the Court of Exchequer, executed within the time mentioned in the Chief Baron's Evidence?—Yes, except with regard to issuing Writs of Extent.

Do they never decide questions of appeal from the Commissioners of Supply after term?—They may do it out of term, and they have done it frequently out of term.

Recently?—Not very recently, I believe; I am not sure.

During the present Chief Baron's time?—I could not say the precise time, but there is nothing to prevent their doing it out of term; one or two Barons may decide the appeals by Law.

There is the paper with the last Return of the Assessed Taxes; will that refresh your memory?—Yes, the term ends on the 5th of July; I see there are various cases decided upon the 20th of July, which is after term.

Is the Court of Session in Scotland the sole court of common law in that country, the supreme court of common law?—Yes, it is.

Is it not also the supreme court of equity?—Yes.

Is it the supreme court of Bankruptcy?—Yes, certainly.

By the Statute of 1830, were additional duties thrown on the Court of Session?—Certainly.

Were the duties of the Jury Court thrown on the Court of Session?—Yes.

And the duties of the Admiralty Court?—Yes.

And the duties of the Consistory Court?—Yes.

And was not the number of Judges of the Court of Session diminished?—They were.

By how many?—Two.

Have you any access to know whether the business there is in arrear or not?—No, I have not.

I see Mr. Taylor was appointed Keeper of the Records of the Judicial Procedure; when did that take place?—A great many years ago.

And no vacancy has occurred since?—No, he still holds the office.

Has any appointment taken place, on the 2d of February 1830, of a Clerk to the Baron?—The Exchequer Seal and the office of Clerk of the Barons were given on the death of the late Chief Baron's clerk, Mr. Owen.

Are you not aware that the Commissioners recommended the abolition of the office of the Keeper of the Seal?—Yes.

Has the salary ever been abolished?—No.

Did they not consider the fees arising from it to be an ample remuneration?—I believe the fees are a mere trifle.

Are not questions regarding gifts of *ultimus hæres*, of a Judicial nature?—No; I conceive them to be entirely Treasury business.

Are the Barons said to be guided by rules of law in the disposal of estates?—They are not absolutely bound by the rules of law in making a distribution in the cases of *ultimus hæres*, but they will naturally pay attention to any legal claim that the parties have.

Have you seen a Report of Baron Hume, of a case of that description, of 10 or 12 pages in length?—I do not recollect any particular case of a report of Baron Hume, of that nature; I have frequently got from Baron Hume, notes or memoranda, in order to assist the Barons in making up their minds in deciding upon the case of *ultimus hæres*, which have been sometimes very distinct and long.

Were they legal views?—Not always legal, but what ought to be done on the particular case.

When there were rules of law referred to, were they rules of English or Scotch law?—Scotch law.

In point of fact, do you prepare a Report of all those particulars, to be laid before the Court of Exchequer?—After reading all the papers, I make a full Report of the nature of the case to the Barons, pointing out the claims of the different parties.

Do you suggest the persons who ought to be preferred?—Sometimes I do, but not always; I leave the case to the disposal of the Barons, giving them the facts, and pointing out the various claims of the parties.

What tribunal is it which tries the previous question of heir or no heir?—It is never tried, the parties come at once to the Court of Exchequer, stating that the person

person has died without heirs, or a bastard, as the case may be, and praying a grant of the fund supposed to have fallen to the Crown in consequence of *ultimus hæres*; then that application is advertised in the public newspapers, and all persons are allowed to make application to the Court of Exchequer for a share and proportion of that fund. The Barons never take up any case till 12 months after the date of the advertisement, in order to give the parties time to bring forward their claims.

Then they dispense with the proceedings analogous to our Commission of Escheat?—Yes.

I think you said, that the Judge whose attention is devoted exclusively to a particular course of business, might be expected to do it better than one who has other duties to perform?—Yes.

I think you said, that in your opinion there was not sufficient business of a judicial nature to occupy the time of the Judges of the Exchequer?—No.

I ask you whether (it is matter of opinion), whether there may not be an advantage in having a Judge kept to employment in the practice and the exercise of his duties; whether he might not be more eligible or fit for judicial business than one who has hardly any thing to do?—Yes, I think that must follow.

Do you not think a Judge will be more vigorous and alert, according to the exercise of his judicial faculties?—Yes.

I think you mentioned the Writ of Extent and Fiat of Extent as being forms of procedure belonging to the Law of England?—Yes.

At the same time you did not see any difficulty that would arise to a Scotch Judge in deciding whether they ought to be issued or not?—Certainly not.

Are you not aware that the doctrine of Extent and the process of Extent interfere with the general effect of the Law of Scotland, so as to afford an object of study to all Scotch lawyers?—Certainly.

Do you not know that there is a long Chapter upon that subject in Mr. Bell's Commentaries upon the Law of Scotland?—I know there is.

Are you aware whether the duties that were given to the Court of Exchequer in Scotland by the Act of Anne over the Excise and Customs, and other taxes then leviable, in Scotland were given to this Court in the character of a Court, or as a Board of Treasury?—I am rather diffident in answering the question; but I would answer it in saying, in some degree, it might be both.

Were the duties that belong to the old Court of Exchequer in Scotland transferred to the new Court, in addition to the Judicial duties?—Yes.

Is that the origin of the Treasury business being now discharged by the Court of Exchequer?—I apprehend it is.

Were there any Jury Trials in the Exchequer in Scotland previous to the Union?—I believe not.

Is it probable that the English law was introduced for the purpose of having the establishment of Jury Trials?—It might be so; a benefit was intended by the Act establishing the Court.

In the Returns, we have a certain number of compounded causes; are you aware that several of the causes are compounded where the parties have a good defensible cause, from the fear of incurring the expense in defending it?—It might be so; I am not aware of it; I have no access to know how and when the cause is compounded.

The Courts judicially interfere sometimes to protect parties in undefended causes, do they not?—Yes, the Judge always does who presides at the trial.

With regard to the Treasury business, do you accede to the statement of the former and the present Lord Chief Baron, in their detail of the nature of the Treasury business, in their Evidence?—Yes.

Do you concur with the account given generally of the nature of that business?—I do generally; there are one or two points, perhaps, of no great importance, where we differ; I will give you one of them. It is stated in page 9, "I have no difficulty in saying that it appears to me, that there is no need for having matters connected with the Assessed Taxes, partly under the control of the King's Remembrancer (acting under the authority of the Barons) and partly under the control of the Comptroller of Taxes; but that, on the contrary, one or the other of those should be selected, and that the person so selected for conducting the business in Scotland, should be placed under the control of the Tax Office." Now my opinion is, that the collection and the assessment of the taxes should be placed under the control of different persons; not the control; I should rather say, brought under the management of different persons.

Sir
Henry Jardine.
1. March,
1832.

Are you aware what the difference is in that respect in England and Scotland?—I am not perfectly aware yet, though I have been making inquiries with regard to the difference between England and Scotland.

Are those all the points?—They are all the points.

Has it occurred to you to consider whether the Treasury business now performed by the Barons of the Exchequer, might conveniently or advantageously be transacted without their intervention, by means of the office you hold, or of any other local officer in Scotland, communicating with the Treasury and the Board of Taxes and of Woods and Forests in London; direct?—Yes, I am of opinion the Treasury business might be done by a communication from Scotland, with those three Boards.

Quite well, and quite satisfactory to the people of Scotland?—I have no doubt it would be quite satisfactory; the individuals in Scotland would have the same opinion and the same relief which they have in many cases at present.

Are not the decisions and reports of the Barons all sent to the Treasury in London, before they ultimately take effect?—They decide many cases themselves at present.

But all cases of importance are communicated to the Treasury, and sanctioned by them?—Yes.

Do you mean appeals of over-charge?—No; the Barons decide all those small applications themselves.

Do you not consider the power of the Barons to attend to all applications of that kind being vested in the Court of Exchequer, is advantageous to the people of Scotland?—It is of advantage to have it vested somewhere in Scotland, that relief may be given.

Would any inconvenience result to the people of Scotland if all such business was transferred to London?—No inconvenience would result if it were transferred to London; but there is no intention, I believe, to transfer it to London.

There would be no inconveniences?—I am not aware of any inconvenience, because the same facility of disposing of the case would be given at the Exchequer at Edinburgh, as at present.

At present does not the Remembrancer report to the Barons, and they decide upon the claim?—Yes.

In the event of the business being transferred to London, you contemplate that the Remembrancer himself should dispose of it?—No, the Remembrancer might report to the Treasury, and receive their directions.

Then the business will not be done in Scotland, but in England?—All the material business will be done in London; certainly the business of consequence; but trifling cases, the Lords of the Treasury might give directions for disposing of in Scotland.

By appointing the Remembrancer to dispose of them?—I do not say the Remembrancer, but either him or some other proper person in Scotland.

In point of fact, is not the principal business done by reference to London by the Barons, and decided there?—Important cases are sent to the Treasury, but those of less consequence are now disposed of by the Barons.

What do you mean by important cases?—I mean, by important cases, those as to grants of the public money, all of which proceed from the Treasury, and are never given by the Barons without the approbation or direction of the Treasury.

In cases of applications about taxes, might it not be extremely inconvenient if they could not get them speedily settled?—Certainly; but I conceive that the Lords of the Treasury could adopt such rules and regulations, as would prevent all causes of complaint from the public in Scotland.

Is it your opinion, that the people of Scotland would be equally satisfied with the decision of the officer whom the Treasury might authorize to dispose of the questions, as they now are, by its being disposed of by the Barons of the Exchequer?—I conceive, that any person who was dissatisfied with the decision of any question, would always have the Treasury to go to for relief, in the same way as they have at present; because there are cases where the Barons have refused relief, where the parties have gone to the Treasury, and where the Barons have reported back to the Treasury their reasons for refusing relief; and I may say, almost always, the Treasury has approved of the Barons' reasons for refusing relief. The Treasury is always open to the applications of any individuals for relief from any tax.

Do

Do many cases of appeal to the Treasury occur in small matters?—Sometimes; I have seen very trifling cases.

Is there any Return made of them?—No; there might be a Return made, if required. Many come from the Treasury, originally, without having been before the Barons; and lately, there have been a great many sent down to the Barons for their Report upon the facts, and Opinion of the case, from the Treasury direct.

Is not, in point of fact, that Report and Opinion drawn up by you, and laid before the Barons for their sanction?—The Report is drawn up by me, founded upon the facts of the case, produced by inquiry from different quarters.

Practically, at the present moment, the Report is drawn at your office, and referred by you to the Barons for their approbation and signature?—The Report is drawn up by me, and is referred to the Barons for their consideration; and they approve of my Report, or disapprove of it, as they see cause, by judging of the case from my Report.

Exclusive of the correspondence which you stated in the beginning of the Return, now before the Committee, of the duties of your office, there are 18 different departments for certain duties; the management of the Northern Lights, and others which are mentioned in page 5; are there any of those which you think could not be transferred from your department, to be under the direction of similar departments in London, or under the Treasury, or to be conducted by you, under their direction, or other existing authorities in Scotland?—I conceive I could get the whole of the business mentioned in those 18 Articles done by correspondence with the Treasury, the Woods and Forests, or the Tax Board, equally well as with the Exchequer, because I would make the same Reports that I do now to those respective Boards for their directions.

Will you look at Article 14 of this last list; namely, providing compensation for the reduction of offices held by individuals during life, and the loss of those offices?—That falls under the special direction of the statute, which I have nothing to do with; but to report the facts as to the fees and various things, as I do at present, to the Barons, in order that they might judge of the amount; the power of granting compensation directed by that special statute being vested in the Barons.

I wish to know whether considerable difficulty has not frequently occurred in the disposal of such questions, even among the Barons themselves?—Certainly, it is a matter of considerable difficulty; I apprehend there can be no difficulty in the Lords of the Treasury, or whoever may be authorised by the special statute, as in the case of No. 14; whoever was so authorised would be able to state to Parliament what was the proper remuneration to be given to the individual officers, whose office has been abolished by law.

There appears to have been received by you, as King's Remembrancer, 5,668*l.* of fees; are they entirely received from what you call the Treasury department, or the Judicial department?—Part from both.

There appears to be 4,884*l.* of that amount paid by the public for fees?—Yes.
And only 774*l.* have been paid by private individuals?—Yes.

Do you not consider the practice of receiving fees from the public for their own duty, as attended with considerable expense and inconvenience?—I can hardly say that it is attended with expense; it is collected without any expense, and the balance is paid over to the public again.

The trouble of collecting and keeping the account you think is the only inconvenience?—Yes, but I should say it would be much better if those fees paid by the public were abolished, and the salaries put upon the establishment.

Is it your opinion that it would be better to abolish all the fees, and have it paid directly from the public?—It would.

I see there is a superannuation allowance of 700*l.* charged for a retired officer paid by you; what officer was that?—He was an old man, 55 years in the office; he was my first clerk, and retired from being old and very infirm, and he got the full allowance from the Treasury.

Do you think that there would be a necessity for keeping up the present establishment of your office, in case the correspondence should be directly with the Treasury; that part which is at present with the Treasury, and other parts confined to the different boards?—I think I should have a great deal more correspondence than I have at present, at least not less; I think I should have more correspondence in consequence of having to correspond so much more with London than at present.

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That will depend upon the amount of duties transferred to the different Boards?—Yes.

Will you state whether, if the accounts of the Customs, Excise, Assessed Taxes, which seem to form a large portion of the Lord Treasurer Remembrancer's Office, were transferred; whether it would be necessary to keep up that Office?—With regard to the transfer of those accounts you allude to, there is very little duty done in the Lord Treasurer Remembrancer's Office, further than recording those accounts; they have not been examined at the Office, because the accounts of the Customs and Excise are examined by the respective Auditors of those two departments; and the accounts of the Assessed Taxes are examined and checked by the Auditor of the Exchequer.

Are we to understand that the duty of that is the principal one in the office?—No, the greatest and most important duty which the Lord Treasurer Remembrancer has to perform, is checking and passing the Sheriffs' accounts; that is one of the most important branches of that office.

After the Sheriffs' accounts, what is the next important account?—There are various little things, but none of those that would occupy so long a time as that.

Do you consider it would be necessary to keep up a separate office for that, instead of having an Auditor belonging to the office to do the duty?—That is the opinion of the Lord Chief Baron in his Evidence; and I confess, after canvassing over the matter with him, I am disposed to be of his opinion.

Do you think that any one single person could do all the duty at present discharged by the Lord Treasurer Remembrancer and his Clerks?—Certainly not, because from what the Chief Baron mentions in his Evidence, I understand the examination of the Sheriffs' accounts, which forms the greatest and the most important duty of the Lord Treasurer Remembrancer, is to be done by another individual, such as the present Clerk, Mr. Gleg, as the Auditor of those accounts.

Was not this office regulated by Act of Parliament recently?—Yes.

Those regulations proposed by the Court of Exchequer?—Yes, it must have been by the Barons.

Why should it be required to be regulated now?—I do not see any material necessity for alteration, because there would be very little saved from altering it.

Does the Act of Parliament require that this officer should do his duty in person?—Yes, and Mr. Montgomery does do the duty in person.

Will there be any advantage in bringing the auditing of all the accounts in Scotland into one office?—No, I am not aware of any great advantage that there would be in auditing them all in one office; and you could not bring Customs, Excise and Assessed Taxes all into one office, for each would require to have its separate Auditor.

In the event of the change, how would the Sheriff get redress as to any article of his account?—The Chief Baron has stated that.

Does Mr. Montgomery do the duty in person himself?—He does a great part of it, and attends the office regularly.

Has he a separate office?—He has a separate office for himself and his clerks; he has a small room.

I see you have an office of Auditor stated here; The Honourable Geo. Murray, principal Auditor; it is stated, that the office is to be regulated; what duty does Mr. Murray do?—He does no duty at all; it is a sinecure office.

Then, instead of regulation, do you see any objection to abolition?—The principal office of Auditor is abolished by Act of Parliament; there must be an Auditor in the Court of Exchequer.

What is the principal duty of that office?—He is to audit all the various accounts of Assessed Taxes, which you will see is very considerable.

Suppose the Assessed Taxes transferred, and the Customs transferred, and the Hawkers and Pedlars transferred to the several departments of the same nature in England, and under those offices, what then would they have to do?—I do not apprehend the auditing of the accounts of the Assessed Taxes can possibly be transferred to England.

Why?—Because the Assessed Taxes are levied and collected upon different principles to what they are in England.

Exclusive of those which you have mentioned, what other duties has the Auditor to perform?—He has to form a check upon the Receiver General, and the payments made;

made; he has to check the use of the money issued to them, and the passing and checking all their accounts.

The whole of the clerks in his employment seem to be paid from fees?—Yes.

Are those fees paid principally by the public or by individuals?—There are some fees upon accounts, which are some of them paid by the public, and some of them by individuals who happen to have an account to pass; but I may say, that they are almost all paid by the public.

Do they bear the same proportion, the fees paid by the public, as the fees paid in your office?—There are some fees I might mention, which were formerly paid by individuals on a salary warrant, of 2*s.* 6*d.*, according to the sum, that have been lately taken away, and the pensions are paid without those fees, the fees being paid to them from the Treasury out of the public money.

One branch of his duty seems to be, to audit the accounts of the Chamberlains of the rents received from the Earldom of Ross, &c. what extent of duty is there in that?—These are very important accounts; perhaps not very long in detail, but requiring a great deal of attention in examining, checking and preparing to be passed; the accounts of the Bishops' rents, and the Chamberlains' accounts.

Take for instance, the Chamberlain of Ross, Mr. Murray; he receives a salary of 125*l.*, and the average of his collection is 2,350*l.*, paid by 35 persons; are those farms held at fee-farm rents or fixed rents, or do they vary?—They are feu-duties or quit-rents, and some of them payable in grain, which vary every year according to the right of the feuars.

Are they all situated in Ross-shire?—I cannot answer that question, because many of the Earldoms extend over various parts of Scotland; for instance, the Chamberlain of Fife and Strathern extends over part of Perthshire and other counties.

Are the revenues of the Chamberlain of Fifeshire and Strathern feu-duties of the same description?—Yes, payable by 170 persons.

And that of the Lordship of Galloway and Duncow the same?—They are of the same nature.

Are those of Dunbar, and Lindores, and Ettrick Forest, the same?—They are of the same nature, feu-duties and quit-rents.

Do you consider that there would be any difficulty in selling them at a fair price?—No, I conceive they might be sold; all the feu-duties payable to the Crown might be sold to the different vassals at so many years' purchase; but it would be a very long time before the whole sale could be completed, arising from various causes, such as inability to pay a large sum; whereas an annual sum might be very easy. I do not think strangers would purchase, as they perhaps could only be sold to vassals by the law.

Then an Act of Parliament would be requisite to authorise the sale?—Yes.

In that case, if vassals were not disposed to purchase, individuals might be permitted to buy, as in the case of land-tax?—Yes.

I see the Chamberlain of Ettrick Forest is held by Lord Dunglass, who appears to receive a salary of 300*l.* a year, and the revenue he collects amounts to only 235*l.*, collected from 30 persons; his deputy has an allowance of 20*l.*, and the difference between the revenue and his salary is directed to be paid from other Crown revenues; at what time was that appointment made?—The original salary attached to the Chamberlain of Ettrick Forest was 500*l.* a year.

Who held the office?—William Pringle, Esq.; at his death, which happened about 1827, it was reduced to 300*l.*

How long did Mr. Pringle hold the office?—For a great many years.

Had he always the same salary?—Yes.

Was the revenue greater than it now is, or nearly the same?—Much the same.

Then during the whole of that period, more than the amount of the whole revenue he collected was paid to him as a salary?—It would appear so.

I wish to ask you; it appears he was appointed by a commission under the Great Seal, dated the 27th of July 1827; are you acquainted with the nature of the appointment; is it for life or any number of years?—I believe for life.

Part is payable out of the hereditary revenues?—The salary of 300*l.* a year is payable first out of the revenues of the Chamberlain of Ettrick Forest, and in the event of any deficiency out of the revenues of the Lordship of Dunbar.

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The Lordship of Dunbar is part of the hereditary revenues of the Crown?—Yes; of which you will see Robert Hay is the hereditable collector.

Are you aware whether the last half-year's account of the Chamberlain's has been audited?—I cannot speak as to that; I know they are kept up very close.

Do you consider that after the 1st of William gives the whole hereditary revenues to the Crown, the Auditor would be authorized to pay that money?—Yes, I do; because it was affected with the burdens on the hereditary revenues, when it was given up by the King.

What is the nature of Bishops' rents; I see the revenue is stated to be 3,500*l.*, collected from 500 persons?—The Bishops' rents are precisely similar to the rents levied by the Chamberlain, the fees, duties and quit-rents payable by the vassals which belong to the Bishops, in the same way as the feu-duties and quit-rents belonging to the King were payable to the Chamberlain of the different Lordships.

Are you aware of any objection to their being sold, the same as any other quit-rents?—If Government chose to sell them, I see no objection to selling them in the same way as the others.

Do all the Chamberlains hold their situations by the same tenure?—I am not sure; I am rather inclined to think they are during pleasure.

Exclusive of those quit-rents and fee-farm rents, what actual estates has the Crown in land?—They have only two estates of any value; the one in Caithness, the other in the Orkneys; the whole of the Caithness rents are collected by John Kerr, the general collector.

What is the amount of that estate?—I could not possibly say what the sum is; I believe it is 500*l.* or 600*l.* a year; it is let at rack-rent.

I see 1,350*l.* is stated to be the produce of the Orkney estate; is that from lands or fee-farm?—There are feu-duties in the Orkneys and land farms also.

What is the amount of the land?—It is impossible at present to say what the value of the land is.

Has not the land come lately out of lease?—Yes; and is now under the management of the Barons, by *sign-manual*.

In what condition has it been?—It was in very bad order, almost gone to ruin, the farms quite uncultivated, and the tenants in great distress.

To whom was it let?—Under lease to Lord Dundas, but in fact it was left to his agents to do as they pleased with it.

Would not the Collector of the Cess collect in these fee-farm rents and feu-duties?—No, it would occasion exactly the same trouble.

Do you see any objection to the management of these fee-farm rents and feu-duties being transferred to a gentleman of the Woods and Forests in England, acting and put under their direction?—I could not properly answer that question without looking more particularly into the nature of them; I apprehend they must be managed by some person resident in Scotland, in connection with the proper Boards in England.

In point of fact, I believe you have taken great pains personally with regard to the estates in the North?—I have; I have gone to Orkney more than once, on purpose to make myself master of the situation of the country, and to enable me to state to the Barons what best they should do with regard to the management.

It appears that Mr. M'Lean held the situation of Solicitor of the Exchequer, and the Report of the Barons to the Treasury, dated October 1821, recommended the salary of that officer, on the termination of the then interest, to be reduced to 100*l.*; but notwithstanding that recommendation, Mr. M'Lean received his appointment in December 1822, with the former salary; can you state any reason why that took place; it is in page 17?—I can give no reason for it; the Report was made to the Treasury that 100*l.* was sufficient, but Mr. M'Lean got down his commission, and had the 100*l.* and the additional sum.

Do you know how that happened?—I do not know how that happened, because the commission was issued in London.

Are there any other branches of the duty as Remembrancer?—No.

At present all the revenues of Scotland are collected in Edinburgh, and the establishment is there paid, and the balance is transmitted to London; do you contemplate any change in that respect, in the event of the Treasury department being transferred to London?—At present the whole revenue is not stopped in Edinburgh, as it used to be; we have no later than yesterday got an authority from the

the Treasury to pay what is called the Household Establishment, and amount of the remainder of the Pensions, by ordering the Receiver General of the Customs to pay over the sum necessary to the Barons, to be by them paid over to the Receiver General, for the payment of the individuals.

All salaries are paid in Scotland, at present, out of money in Scotland?—Yes; they being ordered to be paid by the Treasury, through the means of the Customs, that has been latterly done.

Was it the former practice to pay it all into the Government account, and then to pay it out again?—The former practice was for the Barons to issue a precept to the Commissioners of the Excise and Customs, for the respective parts of the Establishment to retain such sums as were necessary from being remitted to London, for making those payments.

Then, there is no necessity for the intervention of the Barons for paying the salaries in Scotland, which is now done by a warrant from the Treasury to the Receiver General of the Customs?—As they do not stop the money, and the money could be ordered to be paid over to the Receiver General direct by the Treasury, in order to have it applied to the payment of the individuals, the only point to be considered, which the Treasury no doubt will consider, is how the precepts upon the Receiver General are to be signed, which were formerly signed by the Barons.

Has the situation of the Court of Exchequer been considerably altered since the Act of William?—It has, with regard to the payment of the Establishment.

They are made more the instruments of the Treasury than they were?—They are, in so far as they do not now stop the money from being transmitted to London, but receive an order from the Treasury to draw from the Customs and Excise, as the case may be, the sums necessary for the payment of the Establishment and Pensions.

That is, they are placed in a less responsible situation than they were?—So far as that branch of the business goes, they are placed more directly under the direction of the Treasury.

Did they previously possess any discretionary power in these matters?—They had no discretionary power, because the Establishment was controlled by the Treasury; and there is a list of the sums payable to each individual, which was a warrant for them to pay.

That was always the case?—Yes.

And continues to be the case now?—Yes, but there is this very material difference, that formerly the hereditary revenues were entirely under their charge, and for which they were responsible to nobody but the Lords of the Treasury; whereas now, it being part of the public money, it is under the control of Parliament, and they have no control over it, and cannot draw any sum of money out of that fund without the direct authority of Parliament; which makes a very material difference in the situation of the Barons.

In what respect is the character of the Barons altered, except that being under the direction of the Treasury, they are now under the direction of Parliament?—They were not responsible to Parliament before, so far as they were connected with the hereditary revenues, because they were under their own charge, specially delegated to them by the King.

Then in that case they were bound to obey the directions of the Lords of the Treasury with regard to the hereditary revenues?—Yes.

Did they exercise no discretion themselves with regard to the hereditary revenues?—Nothing of any consequence; they did in small trifling sums.

In whose names have the balances received, either in the preceding years, or the present time, been kept?—All the money of the hereditary revenues was deposited in a Bank, bearing interest, and only operated on, that is, drawn out, by precepts from the Barons.

In what bank was it kept?—The hereditary revenues were kept in the banking-house of Sir William Forbes & Co.

When did that cease?—When the hereditary revenues ceased to belong to the King.

Was that this year?—Yes.

Was the balance large which stood to the credit of the Barons of the Exchequer?—Yes, the balance was considerable.

What interest was allowed on the balance?—The usual bank interest given at the time.

In the application of the hereditary revenues, had the Barons any discretion; were they not applied according to the special directions of the Lords of the

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Treasury?—I apprehend they had no discretionary power of paying money, unless it was under the authority of the Treasury.

Were not the payments generally made fixed payments, not altering to particular individuals; the King's Household Officers?—The King's Household Officers was one regular payment, and Pensions was another regular payment; but very small items were ordered by the Treasury from time to time.

Is that a Statement of the Hereditary Revenue?—Yes, this is a Statement, showing the amount of the Hereditary Revenue in Scotland, for each of the years, from the 2d of February 1812 to the 5th of January 1830, and the mode of its application during the same period.

Is that an account prepared by yourself?—No, by the Receiver General. You have seen the account before?—Yes, I suppose I have, but I have not seen it for a long time; I have no doubt of its accuracy, because it is made by the Receiver General.

Do you recollect transmitting the account to the late Lord Advocate, with the letter now produced?—I cannot recollect precisely the time; I must have done so, from that letter.

Look over that, and point out any article in which a discretionary power has been exercised by the Barons in the application of the hereditary revenues?—There is one here; I cannot say whether there was any authority from the Treasury or not; most likely there was; it was for making a new Throne for the Lord High Commissioner to the Church, as the representative of the Crown.

Does it not appear from that, that the Barons merely exercised a Ministerial duty in the application of the hereditary revenues?—Yes.

Under the special directions of the Lords of the Treasury?—Yes.

In what respect is the trouble of the Court of Exchequer diminished by the transfer of the hereditary revenues of the Crown?—There will be no further payments made of the hereditary revenues whatever, but by the authority of Parliament; the hereditary revenues will be paid into the Exchequer, and transmitted to London, forming part of the Consolidated Fund.

What trouble will the Barons be saved by the change which has taken place of the transfer of the hereditary revenues?—They will have nothing further to do with the hereditary revenues, and that must save them a considerable deal of trouble.

In what respect?—There would be various applications made to the Barons for payment of certain things, which now will not be the case.

In what manner were the repairs of the ruins in Scotland done, which were done under the directions of the Barons of the Exchequer?—They were all done from a Report of the architect who was sent to examine the state of the ruins; and upon reporting to the Barons, they authorized, from time to time, certain repairs to be made which they thought necessary.

That class of duty will no longer exist?—That will be taken from them, and remain under the authority, probably, of the Treasury.

In what respect are the Barons of the Court of Exchequer more under the Treasury in consequence of the transfer of the hereditary revenues, than they were before?—They are not more under the Treasury by the transfer of the hereditary revenues, because the hereditary revenues are done away altogether.

Then, in point of fact, the intervention of a Board in England is not required?—The Barons would have nothing more to do with the discharge of the duties connected with the hereditary revenues.

You have stated that the farms or property in the Orkneys were in a very dilapidated state; there appears here "Thomas Granam" as Chamberlain of Orkney, and he has 350*l.* a year for superintending that estate, with a free house and some ground; I wish to know whether Mr. Graham is resident at Orkney?—He is in a very different situation from any other Chamberlain in Scotland; he is the resident factor on the property, and has the entire management of the estate belonging to the Crown, which is situated in various parts of the Orkneys, and he manages the whole as factor more than as Chamberlain.

Has he been appointed since Lord Dundas's lease?—He was appointed by the Lords of the Treasury on Lord Dundas's lease expiring.

He had no charge during the lease?—No, he was sent there as a person competent to manage the whole property, and I am sure he is not overpaid.

Has he any addition for his expenses?—He has no expenses, but upon coming up to Edinburgh once or twice, which were allowed him.

I only

I only ask this question, because it appears that about one-third or one-fourth part of the annual income is paid for management?—The rent payable now is so excessively low, that it will bear no proportion to what it will produce when the property is brought into order.

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Have the Barons of the Exchequer, as Lords of the Treasury, a control over the officers of the Revenue?—They have.

And they afford the subject redress against their misconduct?—They do; but it could be done by the different Boards.

Where do you think any Board can be found equally independent in point of character and impartiality with the Barons of the Exchequer?—I presume the Lords of the Treasury would judge from the facts laid before them themselves, as they do at present in almost all cases.

Do they not judge on the report of the Barons at present?—They do.

Are the Reports your Reports, or the Reports of the Barons?—They are prepared by me.

Are they not always considered by the Barons before they are transmitted to the Treasury?—Always, and there have been occasionally alterations in the Reports made by the Barons.

Suppose it was thought expedient to put under the power of the Barons, estates belonging to absent people and insane people, and so on, are there not officers of the Exchequer who could take charge of it?—The accounts and the money concerns could be very well done by the Auditor of the Exchequer and the different officers.

There are Accountants in the Exchequer?—Yes, the Auditor and his Clerks are Accountants.

Do you consider the Accountants well qualified to examine into them?—I do.

In cases of charitable trusts, for instance?—Yes, I think there might be officers of the Exchequer who could do it at this moment.

In that branch of the Bankruptcy business which refers to the appointment of factors, and the auditing of accounts, do you not think it might be advantageously done in the Court of Exchequer?—It might, but it would be an additional business, which the present officers would not be able to overtake.

Do you know whether there is any arrear in the Bankruptcy business in Scotland?—I do not.

Are you aware that the professed Accountants in Edinburgh are very much employed by the Courts?—I believe the Lord Ordinary always refers those matters to a professed Accountant.

Do you consider that those Accountants, so referred to occasionally, are as respectable as the fixed Accountants of the Exchequer?—I should consider that they are, because they are men generally of eminence in their profession.

Are they not largely paid for the duty they are called on to perform?—I believe so.

Are the Accountants in the Exchequer so overburthened with business, that they could not perform that duty without an increase of assistance?—I think the present Auditors of the Exchequer could not do it.

Or the Accountants of the Exchequer?—There are no Accountants but the Auditor's Clerks; if you give them more business, they would require more assistance.

Do you know whether the Court of Session requires trustees to render annual accounts of the estate under the comission?—I do not know.

Do you know any instance within your knowledge, in which the estate has been entirely lost sight of by the Creditors, and remained in the hands of the Trustees?—I have heard frequent complaints of that nature.

That would not have occurred if it was obligatory on the trustees to render accounts such as I have alluded to in the Exchequer?—No, certainly.

But bankruptcy estates are administered under the authority of the Court of Session, but not the authority of the Court of Exchequer?—Entirely.

With respect to the augmentation of stipends, is there any difficulty that would present itself to their performing that duty?—In so far as regards the mere granting the augmentation, it might certainly be well done in the Exchequer, but it could not go further than mere augmentation; no question of law could come there, of Scotch law.

In cases of applications for augmentation of stipends, might it not be done with more advantage and justice to the party, by information being remitted to them as to the state of the parish, and the circumstances of expense to which the incumbent

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might be exposed, and whether a better decision might not be come to by those two Judges than by a board of people, very liable to be misled by the statement of Counsel on either side?—Yes, I have no doubt but that much more material information might be obtained by means of a remit to the Sheriff and other officers, of the actual state of the parish, than by the vague pleadings of Counsel before the Court.

Where it is generally the effort of Counsel on both sides to serve his own client's case, and mislead the Judge?—Yes.

Is the Court of Session at present so overloaded with business, as to render it necessary that any part should be transferred to the Court of Exchequer?—I do not know.

Do you not consider the control exercised by the Barons over the revenue officers acts advantageously for the preventing abuses on the part of those officers?—Yes, perhaps it may; but at the same time those officers are open to prosecution in the common way, if they do any thing contrary to their duty.

If placed more decidedly under the Boards to which they belong, do you not think there would be the same check against abuses, as now under the Barons?—I think they are at present placed more decidedly under the Boards, except with regard to the taxes.

A P P E N D I X.

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Appendix, No. 1.

1.—AN ACCOUNT of the Number of CAUSES brought in the Court of EXCHEQUER in Scotland; distinguishing Undefended Causes, Causes Tried, Defended Causes Tried, and Causes Compromised without any Trial, for the last Twenty Years.

YEAR.	Number of CAUSES brought.	NUMBER appointed for Trial, but not Tried.	NUMBER Tried.	Whereof Defended.	NUMBER Compromised without Trial.	CAUSES Discontinued, &c. &c.
1 from Lammas Vacation 1811 to Lammas Vacation - 1812 -	518	119	27	11	152	149
2 - Ditto - 1812/13	402	85	32	19	117	76
3 - Ditto - 1813/14	282	129	55	11	67	56
4 - Ditto - 1814/15	299	79	33	13	66	82
5 - Ditto - 1815/16	315	69	42	10	66	66
6 - Ditto - 1816/17	295	60	52	8	64	77
7 - Ditto - 1817/18	212	86	45	7	57	37
8 - Ditto - 1818/19	274	52	26	5	56	59
9 - Ditto - 1819/20	297	65	38	10	80	56
10 - Ditto - 1820/21	312	90	38	5	41	65
11 - Ditto - 1821/22	261	51	39	4	42	43
12 - Ditto - 1822/23	440	45	25	5	29	38
13 - Ditto - 1823/24	176	28	34	5	50	82
14 - Ditto - 1824/25	264	77	35	3	56	55
15 - Ditto - 1825/26	194	64	26	5	44	18
16 - Ditto - 1826/27	404	46	21	4	108	43
17 - Ditto - 1827/28	443	77	28	2	208	23
18 - Ditto - 1828/29	135	87	10	3	55	2
19 - Ditto - 1829/30	111	21	12	2	74	9
20 - Ditto - 1830/31	147	30	7	2	19	2
	5,781	1,460	625	134	1,445	1,038

BESIDES the above, there were two cases by Information under the Stat. 3 Geo. 4. c. 94, (the Royal Burgh Act) brought in the year 1823. There were also two Bills of Complaint exhibited under the same Statute, one in the year 1823, and the other in the year 1827, which last are included in the Schedule of Arguments on Law points hereto annexed. The Records of Court do not afford the means of making a perfect Return to the above Order, in so far as they do not show what Causes were defended upon Trial, and what not; neither do they show what Causes were compromised. The first of these defects has been supplied, as far as possible, from the private information of the Clerks in Court, concerned for the Defendants. The second defect has been supplied by the Solicitors of the different departments of the Revenue; but none of these, with the exception of the Customs, has materials to supply the information for the whole period of the Return. The Solicitor of Excise has supplied materials from March 1812; the other Solicitors can go no further back than during the time they have filled their respective offices. Of the 147 Prosecutions brought in the year 1831, the greater number are still depending.

2.—RETURN, showing the Number of ARGUMENTS on LAW POINTS in the COURT OF EXCHEQUER at Edinburgh, during the last Twenty Years; distinguishing the Number of such Arguments during each of the said Years.

YEAR.	NUMBER OF ARGUMENTS.	YEAR.	NUMBER OF ARGUMENTS.
1 from Lammas Vacation 1822 to Lammas Vacation - 1812 -	5	12 from Lammas Vacation 1822 to Lammas Vacation - 1823 -	5
2 - Ditto - 1812/13	6	13 - Ditto - 1823/24	5
3 - Ditto - 1813/14	7	14 - Ditto - 1824/25	5
4 - Ditto - 1814/15	3	15 - Ditto - 1825/26	5
5 - Ditto - 1815/16	6	16 - Ditto - 1826/27	8
6 - Ditto - 1816/17	2	17 - Ditto - 1827/28	3
7 - Ditto - 1817/18	3	18 - Ditto - 1828/29	3
8 - Ditto - 1818/19	4	19 - Ditto - 1829/30	3
9 - Ditto - 1819/20	2	20 - Ditto - 1830/31	2
10 - Ditto - 1820/21	2	TOTAL - - -	90
11 - Ditto - 1821/22	11		

Exchequer Office, Edinburgh, }
6 December 1831.

Henry Jardine,
King's Remembrancer.

Appendix, No. 2.

1.—AN ACCOUNT of the present authorized ESTABLISHMENTS of the Department of the BARONS of EXCHEQUER in Scotland, and of the OFFICES or DEPARTMENTS under their direct Superintendence and Control; showing, the Amount of the Salaries and Fees received from the Crown by the Individuals, with the Authority under which the several Offices composing these respective Establishments, with their Salaries, were fixed, and the Dates of such Authority.

OFFICES OR DEPARTMENTS.	SALARIES and FEES received from the Crown.			AUTHORITY under which the Offices were constituted.	DATE of AUTHORITY under which the present Salaries were fixed.
	FEES.				
	£.	s.	d.		
LORD CHIEF BARON -	4,000	-	-	6 Anne, c. 26 -	48 Geo. 3. c. 145.
Keeper of Exchequer Seal, appointed by his Lordship -	100	-	-	6 Anne, c. 26 -	Queen Anne's Establishment in 1709.
Two Barons, at £. 2,000	4,000	-	-	6 Anne, c. 26 -	48 Geo. 3. c. 145.
King's Remembrancer -	1,700	-	-		
Chief Clerk -	600	-	-		
2d Clerk -	400	-	-		
3d Clerk -	300	-	-		
4th Clerk -	200	-	-		
5th Clerk -	100	-	-		
<i>Note:—A further sum is allowed for extra copyings if required, but in no instance to exceed £. 150 per annum.</i>					
Two Attorneys, at £. 50	100	-	-	6 Anne, c. 26 -	Queen Anne's Establishment.
Clerk to the Barons	50	-	-	Barons' Order of 28 July 1775.	Barons' Order of 28th July 1775.
Three Macers, with Salaries of £. 100 each	300	-	-	6 Anne, c. 26 -	Royal Sign Manual of 4th Jan. 1813.
Ditto - - Fees, £. 12. 14. 8. each	-	-	38 4 -	6 Anne, c. 26 -	Royal Sign Manual of 17th March 1813.
Two Doorkeepers, with Salaries of £. 50 each, And £. 10 each from the Fund for defraying expense of Court of Exchequer	100	-	-		Barons' Order of 16th July 1828.
	20	-	-		
Keeper of the Register of Resignations	40	-	-		
Heritable Usher	11 10 -	-	-	6 Anne, c. 26 -	Queen Anne's Establishment in 1709.
Deputy Usher	50	-	-	6 Anne, c. 26 -	Royal Sign Manual of 5th Jan. 1778.
Marshal	80	-	2 15 -	6 Anne, c. 26 -	Queen Anne's Establishment in 1709.
Keeper of the Judicial Records	100	-	-	Commission from Barons of 2d June 1801	King's Warrant of 6th Oct. 1801.
Clerk to the Port Bonds	40	-	-	6 Anne, c. 26 -	Barons' Order of 14th Feb. 1713.
Messenger of Exchequer	11 13 4	-	-	6 Anne, c. 26 -	Treasury Warrant of 29th July 1803.
For taking care of the business of the Exchequer, Scotland, at the Treasury, London	200	-	-	Commission by Barons, of 12th Feb. 1717	Establishment of G. 2, in 1727.
					Order of the Barons in 1801, which granted an allowance of £. 100 per annum. It was reduced to £. 60, in 1830.
Clerks to Sale and Redemption of Land Tax	60	-	-	38 Geo. 3. c. 60	57 Geo. 3. c. 64, and Treasury Warrant of 1st March 1826.
					Commission under Great Seal of 8th June 1790, and has continued the same ever since.
Lord Treasurer's Remembrancer -	400	-	-	6 Anne, c. 26 -	
His Clerk -	120	-	-		
Principal Auditor of Exchequer -	1,200	-	-		
1st Clerk Compensation granted by Parliament in lieu of Fees formerly paid on Pensions, £. 245 9 6					
2d Clerk Fees	304 10 6				
	550	-	-	6 Anne, c. 26 -	
<i>Note:—The Clerks in the Auditor's Office are supported by Fees on business performed, fixed and allowed by Tables made by the Barons, under authority of 6 Anne, c. 26, which Fees are divided in the following proportions:</i>					
1st Clerk at the rate of £. 453					
2d Clerk 253					
3d Clerk 144					

OFFICES OR DEPARTMENTS.	SALARIES and FEES received from the Crown.			AUTHORITY under which the Offices were constituted.	DATE of AUTHORITY under which the present Salaries were fixed.
	SALARIES.	FEES.			
	£.	s.	d.		
Presenter of Signatures	300	-	-	6 Anne, c. 26	Privy Seal Warrant of 1st June 1797.
Clerk of the Pipe	300	-	-	6 Anne, c. 26	Queen Anne's Esta- blishment in 1709.
Solicitor of Exchequer	220	-	-	6 Anne, c. 26	Salary of £. 140, fixed by Royal Sign Manual of 31st Mar. 1721, and £. 80, per Order of Ba- rons of 18th July 1728.
King's Writer	50	-	-	6 Anne, c. 26.	Queen Anne's Esta- blishment.
Receiver General for Scotland, and Paymaster of the Civil Establishment there	2,000	-	-	The Office of Receiver General existed previous to the constitution of the Court of Exchequer in 1707, and continued, with varying Emoluments arising from Poundage, &c. to 1808, when it was put on its present footing, by Treasury Letters of 10th May 1808 and 2d Feb. 1814.	Treasury Commission of 10th Oct. 1808, and Salary Warrant of same date.
Two Deputies, one at £. 300 and one at £. 400	700	-	-		
Two Clerks, one at £. 250 and one at £. 180	430	-	-		
Assistant Comptroller of Taxes	400	-	-		
1st Clerk	260	-	-	Treasury War- rant of 5th Feb. 1800	Treasury Warrant of 8th Aug. 1808, 13th Dec. 1815, and 16th Aug. 1819.
2d Clerk	160	-	-		
3d Clerk	130	-	-		
4th Clerk	90	-	-		
5th Clerk	80	-	-		
Messenger	70	-	-		
Housekeeper	45	-	-		
Two Inspectors of Collectors' Accounts, under the immediate direction of the Barons of Exchequer, £. 220 each	440	-	-	Treasury Com- mission.	Treasury Authority of 3d June 1814.
Six Resident Inspectors, at £. 175 each	1,050	-	-	Treasury Com- mission.	Treasury Authority of 3d June 1814.
Sixty-six Surveyors of Taxes, at £. 120 each	7,920	-	-	Treasury Com- mission.	Treasury Warrant of 31st Jan. 1806.
Interim Chamberlain of the Earldom of Ross	125	-	-	This Office exist- ed prior to the Union in 1707 - Existed previous to the Union.	Barons' Order of 29th Jan. 1823.
Collector of the Bishoprick of Ross	83 6 8	-	-		Privy Seal Warrant of 6th June 1796.
Chamberlain of Lordship of Fife and Strathearn Ditto - - ditto - - for Expenses	55	-	-		Treasury Letter of 23d Dec. 1829.
Chamberlain of Lordship of Galloway & Dimcow Ditto - - ditto - - for Expenses	10	-	-	Existed previous to the Union.	Salary fixed previous to the Union.
Heritable Chamberlain of the Lordship of Dunbar 22 bolls Wheat, and 22 bolls Barley	18	-	-	Charter from the Crown previous to the Union.	Allowed annually by Barons' Orders.
Chamberlain of the Lordship of Lindores	5 11 1 ¹ / ₂	-	-		Commission dated 12th March 1718, and has continued since.
Ditto - - for Expenses	11 2 2 ¹ / ₂	-	-		Barons' Order of 27th May 1813.
Chamberlain of Ettrick Forest	300	-	-	Existed previous to the Union	Commission under Great Seal, dated 27th July 1827.
Collector of Archbischoprick of St. Andrew's, and Bishopricks of Edinburgh, Brechin, Moray, Galloway, Dunblane, Dunkeld, Aberdeen and Caithness	200	-	-	Existed previous to the Union	57 Geo. 3. c. 64, and Treasury Commission of 6th June 1818.
Ditto - - for Expenses	162 8 10	-	-		Commission by Barons of Exchequer, of 28th Nov. 1826.
Collector of the Archbischoprick of Glasgow	30	-	-	Royal Sign Ma- nual of 3d March 1825.	Treasury Letter of 16th Jan. 1829.
Chamberlain of Orkney	350	-	-		
	£.	30,648	12	1	227 19

Exchequer Chambers, Edinburgh,
23 December 1831.*Henry Jardine,*
King's Remembrancer.

Appendix, No. 2—*continued.*

2.—A RETURN of the several DEPARTMENTS under the Control of the BARONS of EXCHEQUER, Scotland; showing Standing in the several Departments of the Establishment; and the Amount of Salaries, Fees and other Emoluments of the Duties performed, and whether they are of a confidential or important Nature, and such as require a more

DEPARTMENT.	Number of Persons employed.	CLASSIFICATION according to their Rank or Standing.	AMOUNT of SALARIES and EMOLUMENTS received by each.	ATTENDANCE given and required.
KING'S REMEMBRANCER'S OFFICE (Treasury Department.)	6.	Sir Henry Jardine, K. R. - - - Adam Longmore, jun. Chief Clerk - - - Thomas Kyd - - 2d Clerk - - - Charles Kirkwood - 3d ditto - - - Adam C. Longmore, 4th ditto - - - David C. Brigs - 5th ditto - - -	£. s. d. 1,700 - - 600 - - 400 - - 300 - - 200 - - 100 - -	From between 9 to 10 in the morning to 4 o'clock afternoon, and from 7 to 9 in the evening, and fre- quently later.
<i>Note.</i> —This last Salary is subject to a deduction of $\frac{1}{2}$ per cent. for Superannuation Fund, under Tre- asury Minute of 4th August 1829.				
Sir Henry Jardine was appointed during his life to the Office of King's Remem- brancer, by Commission under the Great Seal, dated 31st July 1820.				
The Clerks in the Remembrancer's Office, who hold their offices during good con- duct, are nominated by the Remembrancer, subject to the approbation of the Barons, in terms of the Warrant of the Lords of the Treasury of 2d August 1820, which regulated the office under the provisions of the statute 57 Geo. III. c. 64. By that Warrant, the salary of the King's Remem- brancer is, after the death or resignation of Sir Henry Jardine, to be only 1,200 £. a year; and in like manner the salary of Chief Clerk, which was 700 £. to the then Chief Clerk, is now only 600 £. a year to his successor. By that Warrant a Fee Fund is established, into which all fees received for business done in the office are paid; out of this Fund the said salaries, as well as such expenses as may be required for occasional assistance on an unusual press of business (which expense is not in any one year to exceed 150 £.) are paid; and the surplus is paid to the Receiver General, and accounted for by him in the same way as other public monies received and accounted for by him. Since the year 1820, when the office was regulated, Surplus Fees, amounting to 10,000 £. have been paid over to the Receiver General. In case the Fee Fund shall be at any time insufficient to meet the charges thereon, the Barons are authorized, by the said Warrant of the Treasury, to issue orders to the Receiver General to make good the insufficiency out of any public monies in his hands. The following Statement shows the amount and nature of the Fees received in the year 1830; viz.				
Fees received £. 5,668 10 6				
Of these the following was paid by the Public:				
For business done in matters relating to taxes, and paid from that Revenue, £. 4,308 14 -				
For business connected with the duties of Sheriffs of Counties, &c. 194 15 6				
For examining and passing Public Accounts, and taking Bonds from Public Accountants, &c. the Fees of which are in the first instance charged against the Accountants, but afterwards allowed to them in their next Public Accounts 380 11 -				
Sums paid by the Public £. 4,884 - 6				
Paid by private Individuals 784 10 -				
The expense of the Establishment, including a Superannuation Allowance of 700 £. to a retired officer, and 73 £. 16 s. 6 d. paid for occasional assistance, was, during the said year 4,073 16 6				
Leaving of Surplus Fees to be paid over to the Receiver General £. 1,594 14 -				

(continued from page 67.)

- 12th. To attend to the execution of the statute 50 Geo. III. c. 84, which authorizes the augmentation of the stipends of the Clergy to 150 £. and of the Act 5 Geo. IV. c. 72, which makes further provisions for augmenting these stipends.
- 13th. To attend to the execution of the Act 5 Geo. IV. c. 90, which authorizes the erection of additional Churches in the Highlands, and payment by the public of stipends to the Ministers thereof.
- 14th. To examine and report on claims for compensation for loss of Emoluments or Offices under the provisions of certain Acts of Parliament, such as 1 & 2 Geo. IV. c. 38 & 39; 4 Geo. IV. c. 97, and 1 Will. IV. c. 69, &c.
- 15th. He has to examine all Powers of Attorney, Factories, &c. granted by persons receiving Salaries and Pensions on the Civil Establishment, to see that these documents are conform to law before they are entered in the Record.
- 16th. In this office there is also kept a record of all Appeal Cases relating to Assessed Taxes determined by the Barons.
- 17th. It is also the Remembrancer's duty to examine and tax Bills of Costs for business done by Clerks, Attorneys, Solicitors, &c.
- 18th. He also superintends the management of the Crown's Estate in Scotland, and sees that the Barons' directions for the improvement of these are carried into effect; and that the Chamberlains, Factors, &c. regularly account for their intromissions.

the Number of Persons employed in each Department ; the Classification of such Persons, according to their Rank or received by the several Classes ; together with Observations upon the Attendance required and given ; the Amount than ordinary Capacity.

AMOUNT OF DUTIES PERFORMED.	And whether they are of A confidential and important Nature, and such as require more than an ordinary Capacity.	OBSERVATIONS by THE BARONS OF EXCHEQUER.
<p>The STATEMENT of the DUTIES of the Office of the King's Remembrancer of Exchequer, Scotland, may be arranged under Two Heads ; viz.</p> <p>THE TREASURY DEPARTMENT, and THE JUDICIAL OR LAW DEPARTMENT.</p> <p>TREASURY DEPARTMENT.</p> <p>In the Treasury Department of the King's Remembrancer's Office, the records of all proceedings before the Barons, as well as of all matters connected with the Public Revenue, and the Hereditary Revenues of the Crown in Scotland, are kept. In this Department, also, all petitions or other applications to be laid before the Barons are lodged. The Remembrancer attends the Barons at their sittings in the Treasury Chambers, and reads these applications. He also, with the assistance of his clerks, makes Reports on all matters referred to him, and draws up all Orders (<i>i. e.</i> Decrees or Judgments) which the Barons issue. He conducts the correspondence of the Barons with the Lords Commissioners of the Treasury, and frames Returns or Reports made to that Board or to Parliament, or to the Secretary of State. He also prepares Warrants, Commissions, Appointments, and all other writings which require the signature of the Barons ; and all Bonds granted by the Public Accountants or others. In his office is kept the record of Warrants passing the Privy Seal, Sign Manual, and Money Grants ; and also the Commissions of the Judges, and of others who have salaries on the Civil List Establishment. He examines and signs all Receipts of feu duties paid in Exchequer by Crown vassals, makes out yearly accounts, and receives the feu duties payable to the Crown by the several Royal Burghs of Scotland. He examines and receives the vouchers of the Revenue Accounts passed before the Barons ; makes out and keeps an account of the seizures of Customs, called the "Comptrollment Roll," calls for, examines and keeps quarterly statements of Taxes received by the several Collectors of Assessed Taxes in Scotland, and of the payments made by them to the Receiver General. He also performs the other duties required of him by the several Acts of Parliament relative to Taxes ; and in particular in superintending the state of arrears due by the different Collectors, which requires constant correspondence with them. In this office is also carried on the necessary correspondence with the Boards of Customs and Excise, Sheriffs, Crown Chamberlains and others relative to the Revenues of Scotland. In this office, also, are recorded all signatures for Infeftments, or new Investitures of Crown Lands, Gifts of Ultimus Hæres, Gifts of Bastardy and Tutors Dative.</p>	<p>It will appear, from the detail given in the preceding column of the various and complicated matters of business performed in this Department, that no ordinary degree of talents, industry and perseverance is required from the Remembrancer and his Clerks, every one of whom have had the advantage, before they came to the office, of being bred to business in the offices of Writers to the Signet, or law accountants. It is hardly necessary to add, that much of the business passing through their hands is of the most confidential and responsible nature.</p>	<p>It appears that only a small portion of the fees received in the Remembrancer's Office are paid by individuals, the greater part being paid by the public. This circumstance was probably either not known, or not adverted to by the Lords of the Treasury when they issued the Warrant, bearing date the 2d day of August in the year 1820. We submit whether it would not be desirable, that instead of paying salaries by sums received from the public under the description of fees, the fees, so far as they are paid by the public for business done on account of the public, should be abolished, and the salaries paid net, after bringing to account such sums as shall be received for fees paid by individuals.</p>
<p>Besides these Duties, the Remembrancer has to attend to the following branches of business ; viz.</p> <ol style="list-style-type: none"> 1st. To report in Candlemas Term, yearly, the balances unpaid of the King's Hereditary Revenue, as directed by the statute 50 Geo. III. c. 111. 2d. To report a state of Surety Bonds granted to the King, as directed by the statute 52 Geo. III. c. 66. 3d. To call for and examine quarterly states of the Revenues, out of which the three great branches of the Civil Establishment in Scotland, and other payments directed by Acts of Parliament, or by Royal Warrants, are paid. 4th. To see that the interest on sums advanced by Government for completing the docks and other public works at the Harbour of Leith, under the statute 45 Geo. III. c. 114, is regularly remitted to the Treasury. 5th. To call for and receive half yearly interest on the sums advanced to the Commissioners of Northern Lights, under the statute 54 Geo. III. c. 136, and to remit the same to the Treasury. 6th. To attend to the interest of the Crown in the following instances ; viz. <ul style="list-style-type: none"> 1st. In so far as regards the advances made to the Crinan Canal, under the statutes 56 Geo. III. c. 135, &c. 2d. To the advances made to the Trustees of the Queensferry Passage, under the statute 54 Geo. III. c. 138. 3d. In so far as respects the sums advanced for making a Road between Glasgow and Carlisle, under the statute 56 Geo. III. c. 83. 7th. To see that the sums granted to the Commissioners of Highland Roads and Bridges, under the statute 54 Geo. III. c. 104, are accounted for. 8th. To see that the sums granted for the support of the Register House are duly accounted for. 9th. To superintend the expenditure of the sum granted for repairing the Palace of Holyrood House. 10th. To superintend and account for the expenditure of the sum granted to the Barons for Exchequer prosecutions and petty expenses of the Court. 11th. To examine and report upon the expenses necessary for supporting the Courts of Session, Justiciary and Exchequer, under the statute 46 Geo. III. c. 154, and to pay these expenses half yearly. 		<p>(continued on page 66.)</p>

APPENDIX TO REPORT FROM COMMITTEE

DEPARTMENT.	Number of Persons employed.	CLASSIFICATION according to their Rank or Standing.	AMOUNT of SALARIES and EMOLUMENTS received by each.	ATTENDANCE given and required.
KING'S REMEMBRANCER'S OFFICE. (Law Department.)	3	<p>John Taylor, Sworn Clerk or Attorney</p> <p>William Stuart - - ditto - -</p> <p>John Henderson - - ditto - -</p> <p>The Attorneys' other emoluments arise from fees paid by suitors. Besides these, the Senior Clerk in Court has fees on examining, checking and recording certain Accounts, which may amount to about - -</p>	<p>£. s. d.</p> <p>50 - -</p> <p>50 - -</p> <p>-</p> <p>85 - -</p>	daily.
KEEPER of RECORDS of Judicial procedure.		John Taylor, one of the sworn Clerks or Attorneys, is Keeper of the Records of Judicial procedure, for which he has a salary of £. 100 a year on the Civil Establishment.		daily.
REGISTER of ORDERS		John Taylor is also Register of Orders, for which he receives fees amounting to about £. 12 per annum.		daily.
DEPUTY KEEPER of EXCHEQUER SEAL.		John Henderson, one of the sworn Clerks or Attorneys, is Deputy Keeper of the Seal, by Commission during pleasure, from the Lord Chief Baron, dated 20th February 1830. He has a salary on the Civil Establishment of £. 100 a year, and has certain fees upon the sealing of writs and other process of Court, the number being on an average of the last five years, 738 in each year; the fees on which are about £. 15 a year.		daily.
CLERK to the BARONS		John Henderson is also Clerk to the Barons. He was appointed by the Barons on 2d February 1830, and holds the office during good behaviour. He has a salary of £. 50 paid from the sums imprest for Exchequer prosecutions, and petty disbursements of the Court.		daily.

AMOUNT OF DUTIES PERFORMED.	And whether they are of a confidential and important Nature, and such as require more than an ordinary Capacity.	OBSERVATIONS by THE BARONS OF EXCHEQUER.
<p>JUDICIAL OR LAW DEPARTMENT.</p> <p>The business of the Law Department of the Court, connected with the department of the King's Remembrancer, and the Sworn Clerks or Attorneys, may be enumerated under the following heads:—</p> <p>I.—All Law proceedings for recovery of debts to the Crown, and other claims being informations in debt, intrusion, writs of scire facias, extent, capias ad computandum, &c.</p> <p>II.—Informations for recovery of all penalties imposed by Acts of Parliament, unless where the jurisdiction of the Court is specially excluded, more particularly for recovery of penalties imposed for securing the various branches of the Public Revenue.</p> <p>III.—Informations of seizure, for condemnation of goods seized as forfeited for frauds and breaches of the Revenue Laws.</p> <p>IV.—Equity proceedings, being English Bills for and against the Crown for matters connected with the Revenue; motions under special Acts of Parliament for recovery of Legacy Duty, &c. Proceedings under the Statute connected with the common good, and Revenues of Royal Burghs, &c. &c.</p> <p>V.—All suits at law for enforcing claims against the Crown or connected with the Revenue or King's property, and for recovery of damages against officers of the Revenue, who may have acted illegally in matters connected with the King or his Revenue, being a part of the jurisdiction of the office of Pleas in the Exchequer in England.</p> <p>VI.—Proceedings by writ of certiorari for reviewing the judgments of Justices of the Peace and inferior Courts, in matters connected with the King's interest or revenue.</p> <p>VII.—Summary proceedings for enforcing, by process of contempt and otherwise, performance by Revenue Commissioners, officers and others, of their duties to the King and the subject, in matters connected with the King's property and revenue.</p> <p>VIII.—It is the province of the senior Clerk in Court to examine, check and record the various Public Accounts of the Revenue, and the principal Imprest Accounts, and to keep the vouchers of the same after they have been passed by the Barons in terms of the Act 6 Anne, c. 26, s. 11.</p> <p>These proceedings are, in conjunction with the Solicitors of the Revenue, conducted by the Sworn Clerks. The Remembrancer has the superintendence over those Sworn Clerks. He attends the Court, keeps the minutes of the proceedings, signs judgments, taxes bills of costs, and makes Reports on matters of account or practice, or other matters referred to him.</p> <p>The arrangement and custody of the records of judicial proceedings is entrusted to this officer, who receives them from the different Clerks in Court, when they are finally made up and finished, and deposits them in the General Register house, from whence he brings them when required, in Court or otherwise; he gives daily attendance in the Exchequer.</p> <p>This officer records and certifies all Orders of Court, for which he is paid according to the Table of Fees sanctioned by the Court. He has no salary. The fees amount to about £. 12 per annum.</p> <p>The duty of this officer is to see that all writs and other processes which pass the seal of the Court, are properly tested and indorsed, either by a Clerk in Court, the Remembrancer or a Baron, as the nature of the case may require, and to append the seal thereto.</p> <p>The duties consist in writing letters and executing all orders and directions received from the Barons relative to the business carried on before the Court, as a Court and Board of Treasury. He intimates the days and hours of the meetings of the Court, and of summoning Juries to attend trials; takes charge when required of the papers in trials, or at hearings of Counsel in Treasury Chambers.</p>	<p>The Commissioners on the Courts of Justice in Scotland in their Seventh Report, give the following opinion regarding this office: " We are humbly of opinion, that though the salary attached to this appointment is not of any considerable amount; it is more than adequate to the duties which the officer has to perform, and would recommend that on the termination of the existing interest, if it is not thought proper that the office should be abolished altogether, the salary should be restricted to a sum not exceeding half its present amount."</p> <p>The Commissioners on the Courts of Justice in Scotland, in their Sixth Report, have the following remark on this office: " It appears to us that the fees afford a sufficient remuneration for the duties which this officer has to perform, and that in future commissions to the office of Lord Chief Baron, the grant of £. 100 per annum to the person deputed by him to keep the Exchequer seal, may with propriety be omitted."</p> <p>Sir Samuel Shepherd, late Lord Chief Baron, in his letter of 23 January 1821 to Lord Sidmouth, then Secretary of State, concludes his remarks upon the above opinion of the Commissioners in the following words: " To effect the simple purpose of discontinuing the salary, which is the only measure recommended by the Commissioners, nothing would be necessary but to omit it in the quarterly establishment; but the consequence of this must be, either that the Chief Baron must pay compensation to his deputy out of his own salary, or the appointment of deputy would be virtually taken from the Chief Baron, and he would continue answerable for those whom he did not voluntarily appoint. In order to avoid this, the Statute of Queen Anne must be altered, and the custody of the seal must be taken from the Chief Baron, and he freed from any responsibility on the subject."</p>	<p>(continued.)</p>

APPENDIX TO REPORT FROM COMMITTEE

DEPARTMENT.	Number of Persons employed.	CLASSIFICATION according to their Rank or Standing.	AMOUNT of SALARIES and EMOLUMENTS. received by each.	ATTENDANCE given and required.
LORD TREASURER'S REMEMBRANCER'S OFFICE.	2	<p>Robert Montgomery, Lord Treasurer's Remembrancer - - - - - £. s. d.</p> <p>James Glegg, Clerk - - 120 -- -</p> <p>From which a Deduction is made on account of the Super-annuation Fund, per Treasury Minute of 4th Aug. 1829, of - 6 -- -</p> <p>Leaving - - - - -</p> <p>Mr. Montgomery holds his appointment per commission under a Great Seal, dated 31 March 1826, for life. Mr. Glegg holds his office during good conduct.</p> <p>The office of Lord Treasurer's Remembrancer was regulated under a Warrant of the Lords Commissioners of His Majesty's Treasury, dated 31 March 1826, as authorized by the statute 57 Geo. III. c. 64, by which regulation the salaries are fixed at £.400 to the Lord Treasurer's Remembrancer, and £. 120 to the Clerk, to be paid annually.</p> <p>The fees of this office, which were fixed by Baron's order of 5 July 1820, are paid into a fee fund, established by Treasury Warrant above mentioned; and, after payment of the said salaries, the surplus fees, if any, are to be paid to the Receiver-General; and in the event of a deficiency, the Barons are authorized to grant orders for making good the salaries so fixed.</p>	<p>£. s. d.</p> <p>400 - - -</p> <p>114 - - -</p>	<p>The hours of attendance are from between 9 and 10 in the morning till 4 in the afternoon, and from 7 till 9 in the evening; but, during the pressure of business connected with the taxation of the Sheriff's accounts, attendance is often required beyond these hours.</p>

A MOUNT OF DUTIES PERFORMED.	And whether they are of a confidential and important Nature, and such as require more than an ordinary Capacity.	OBSERVATIONS by, THE BARONS OF EXCHEQUER.
The nature and duties of this office consist in performing the various pieces of public business after-mentioned.		
I.—The Accounts of the several Sheriffs and Stewards in Scotland are annually examined, adjusted, and entered upon record in this office.		The office of Lord Treasurer's Remembrancer will, no doubt, undergo an alteration on the decease of the present holder; but we cannot refrain from stating, that Mr. Glegg, the Chief Clerk in that department, and who now performs duties of a very responsible and arduous nature, with a degree of zeal, accuracy and ability that we have often had occasion to approve, is, in comparison with other persons holding offices of less labour, and requiring less ability in the discharge of them, very inadequately paid. We, therefore, are of opinion, that justice to the public and to the individual alike prompt us to suggest that a suitable increase shall be made to his salary.
The CHARGE of which Accounts consists of the following Branches :		
1st. Ancient Petty Feu and Blench duties, payable to His Majesty, agreeably to a Roll kept there, with such additions thereto as from time to time are made in consequence of discoveries of duties of that nature in this office, and not formerly stated in the said Roll. 2d. His Majesty's share of fines imposed in the Courts of the said Sheriffs and Stewards. 3d. Waifs and strays recovered by them. 4th. Retour duties, payable by His Majesty's vassals, on the renewal of their investitures in lands holden of the Crown, as contained in the Latin Responde Book, transmitted annually by the Director of His Majesty's Chancery.		
The DISCHARGE of the said Accounts consists,		
1st. In the Expenditure of the Sheriffs in matters connected with the Administration of Justice, and other duties devolved by Act of Parliament on the Sheriffs; and		
2d. An allowance to the Sheriffs themselves for their expenses, while attending the Lords of Justiciary at the Circuit Courts.		
From the great increase of crime in Scotland, and other causes, the amount of the Sheriff's expenditure has been rapidly increasing of late years, and the examining, correcting and modifying the voluminous accounts of the numerous persons employed by them all over Scotland, in performing the different branches of service connected with the general police of the country, at all times a duty of great importance, has now become a task of the most laborious nature, and requiring the utmost vigilance and care to prevent the public from being imposed upon by charges unnecessary or improper, or at variance with the allowances prescribed by the Barons. Hence arise very considerable deductions from such claims, and large annual savings to the public.		
II.—The Commissioners of Patent Officers, and of the Sheriffs and Stewards, are recorded in this Office.		
III.—The yearly Fairs prices of Grain, after being ascertained by Juries impanelled by the Sheriffs in the County Courts, are transmitted to this Office, where they are regulated according to the standard by which they are accustomed to be charged upon His Majesty's vassals who hold their lands by the tenure of feu duties payable in corn.		
IV.—The Roll of Accountants who are bound to account in Exchequer, whether for land-rents or for intromissions with the public monies, is kept in this office, and after being annually corrected, according to such discoveries or alterations as may have occurred, a certified copy of the same is transmitted to the Director of His Majesty's Chancery, with instructions to issue precepts for summoning these persons to account and make payment.		
V.—To examine and report to the Barons upon all applications made by the Sheriffs and Stewards, their Clerks, Procurators Fiscal, and Officers of Court, in consequence of their claims having been reduced in this office, and upon other matters relating to the public service.		
VI.—To examine into and rectify such errors as have in former times crept into the charters of Crown vassals, to divide and apportion the Feu and Blench duties payable by them, in consequence of the various divisions and changes of property which take place; also to rectify and adjust any errors which may have been made in the retour of the special services of Crown vassals, upon the renewal of their investitures. Upon all which cases this officer makes Reports to the Barons.		
VII.—Besides the Accounts of the Sheriffs and Stewards (already mentioned), the following Accounts are recorded in this office; viz.		
Accounts of Customs. — of Excise. — of the Receiver General, for Land Tax, Assessed Taxes, and all other Taxes of which he is the Receiver. Also of the Monies imprested into his hands as Receiver General and Paymaster of His Majesty's Establishment in Scotland. — of the Crown Agent, for Criminal Prosecutions in Scotland. — of the sum allowed for defraying Prosecutions against Crown Accountants, and payment of Petty Expenses of the Court.		
— of all Chamberlains, Collectors and Receivers of His Majesty's Hereditary Land Rents in Scotland. VIII.—Certificates of the fines imposed in the High Court of Justiciary and Circuit Courts are returned into this office, from whence directions are issued to the various Sheriffs to recover the same; and failing thereof, they are certified to the Clerk of the Pipe, for the purpose of his issuing the necessary process, directed to the respective Sheriffs for that purpose; and a comptrolment roll of the sums so recovered and paid into the Receiver General is kept here.		
IX.—When any treasure trove, coins or other articles, are discovered, which by law belong to the Crown, it becomes the duty of this Officer to recover the same for His Majesty's use, and to report the matter to the Barons.		
X.—A Record is also kept by the Lord Treasurer's Remembrancer, of all Reports made by him, on references from the Barons.		
From the detail of the duties of this office, it is obvious that it requires great attention and accuracy, particularly in the examination of the Sheriff's accounts, which are of a very complicated nature, and which are entirely checked and audited in this office.		(continued.)

APPENDIX TO REPORT FROM COMMITTEE

DEPARTMENT.	Number of Persons employed.	CLASSIFICATION according to their Rank or Standing.	AMOUNT of SALARIES and EMOLUMENTS received by each.	ATTENDANCE given and required.															
AUDITOR	5	<p>-- The honourable George Murray, Principal Auditor.</p> <p>His salary for his commission is 1,200<i>l.</i> per annum, from which there is deducted 1<i>s.</i> 6<i>d.</i> in the pound (90<i>l.</i>) and he pays his deputy an allowance of 50<i>l.</i> per annum, which leaves 1,060<i>l.</i></p> <p>The Auditor holds his commission for life by letters patent from the Crown, with power to appoint one or more deputies. The duty is performed by a deputy.</p> <p>James Laidlaw Mitchell, Deputy Auditor.</p> <p>An allowance of 50<i>l.</i> per annum, paid to him by the Principal Auditor.</p> <table> <tbody> <tr> <td>James Reid - -</td> <td>1st clerk</td> <td>-</td> <td>-</td> <td>498 19 3</td> </tr> <tr> <td>Wm. R. Skipsey -</td> <td>2d ditto</td> <td>-</td> <td>-</td> <td>279 5 10</td> </tr> <tr> <td>Alex. Mitchell -</td> <td>3d ditto</td> <td>-</td> <td>-</td> <td>158 19 4</td> </tr> </tbody> </table> <p>The clerks are entirely paid by fees for business done in the office, divided among them in certain proportions, as fixed by an order of the Barons of Exchequer; their respective yearly emoluments on an average of the last three years were as above.</p>	James Reid - -	1st clerk	-	-	498 19 3	Wm. R. Skipsey -	2d ditto	-	-	279 5 10	Alex. Mitchell -	3d ditto	-	-	158 19 4	<p>£. s. d.</p> <p>1,200 - -</p>	<p>The Deputy Auditor attends in the office generally two or three times a week, and occasionally oftener as his presence is requisite.</p> <p>The regular hours of attendance are from 10 to 4 o'clock, except Saturdays, when the office is generally shut about 1 or 2 o'clock. Besides those regular hours, attendance is very frequently required for two or three hours in the evening.</p>
James Reid - -	1st clerk	-	-	498 19 3															
Wm. R. Skipsey -	2d ditto	-	-	279 5 10															
Alex. Mitchell -	3d ditto	-	-	158 19 4															

AMOUNT OF DUTIES PERFORMED.	And whether they are of a confidential and important Nature, and such as require more than an ordinary Capacity.	OBSERVATIONS by THE BARONS OF EXCHEQUER.
<p>The Duties of this Officer are,</p> <p>1st. To examine, engross and pass the following Accounts :</p> <ul style="list-style-type: none"> General Account of Customs. Cash Account of Customs. Seizures of Customs. 		<p>Upon the resignation or death of the Auditor, the office of Auditor will be regulated according to the provisions of the statute 57 Geo. III. c. 64.</p>
<p>Accounts of the Receiver General of Scotland; <i>viz.</i>—</p> <ul style="list-style-type: none"> Assessed Taxes. Land Tax. Licenses to Hawkers and Pedlars. His Majesty's Hereditary Revenues. Imprests for payment of the Civil Establishment, and other purposes connected with the Civil Affairs of Scotland. Account of Sums paid to Parochial Clergy to make up their stipends to 150<i>l.</i> per annum. 		
<p>Accounts of Chamberlains, Collectors and Receivers of the Rents and Revenues payable to His Majesty, out of the several Earldoms, Lordships and Bishoprics in Scotland; <i>viz.</i>—</p> <ul style="list-style-type: none"> Earldom of Ross and Lordship of Ardmannoche. Lordship of Fife and Strathern. Lordship of Galloway and Duncow. Lordship of Dunbar. Lordship of Ettrick Forest. Lordship of Lindores. Archbishop of St. Andrew's and other Bishoprics under the collection of the general collector of Bishop's rents. Archbishopric of Glasgow. Bishoprick of Dunkeld. Bishoprick of Argyll. Bishoprick of Orkney. Bishoprick of Ross. 		
<p>Accounts of Imprests for particular purposes; such as,</p> <ul style="list-style-type: none"> Crown Agent's Account. Accounts of Repairs on Holyrood House. Accounts of expense of Buildings for the accommodation of the Courts and repairs thereon. Account of sum imprested to King's Remembrancer for expenses of Exchequer Prosecutions and other incidental expenses in the Court of Exchequer. The Accounts of Commissioners for Highland Roads and Bridges. Account of sum allowed for the incidental expenses of the Jury Court and Circuits. Account of sum allowed for the support of the Botanic Garden at Edinburgh; and of any other Imprests for special purposes. The Account of the Receiver General of deductions of 6<i>d.</i> and 1<i>s.</i> in the pound. The Account of the Fee Fund in the King's Remembrancer's Office. The Account of the Fee Fund in the Lord Treasurer's Remembrancer's Office. The Accounts of the Fees received in the Office of the Great Seal. The Account of the Fees received in the Office of the Register of Hornings. 		
<p>2d. To keep a Record of the Vassals of the Crown who account in Exchequer, that is, vassals who pay 10<i>l.</i> Scots and upwards per annum, for the feu, blench and other duties or quit-rents payable by them for their properties, from which a charge is made up against them by the Auditor, and when the money is paid into the Receiver General, to make up and enter in the Office Books, seques or discharges to each, the number of these is from 150 to 160 yearly.</p>		
<p>3d. To strike (<i>i. e.</i> adjust) amongst with the Presenter of Signatures, the compositions or fines paid by landholders on taking out new investitures of their properties, and to keep a Record of them.</p>	<p>4th.—To</p>	<p>(continued.)</p>

APPENDIX TO REPORT FROM COMMITTEE

DEPARTMENT.	Number of Persons employed.	CLASSIFICATION according to their Rank or Standing.	AMOUNT of SALARIES and EMOLUMENTS received by each.	ATTENDANCE given and required.
			£. s. d.	
AUDITOR— <i>continued.</i>				
CLERK OF THE PIPE -	1	<p>John Archibald Murray has a salary of £. 200 per annum, subject to a deduction of 7 $\frac{1}{2}$ per cent.</p> <p>The Clerk of the Pipe also derives Fees from the passing of accounts, which vary according to the number passed; but on an average of the last five years give £. 172 per annum, after paying the expenses of the office.</p> <p>Mr. Murray holds his appointment by Letters Patent, dated in 1795.</p>		Attendance in the office from 11 till 3 o'clock, and on Saturdays, from 11 till 1.

AMOUNT OF DUTIES PERFORMED.	And whether they are of a confidential and important Nature, and such as require more than an ordinary Capacity.	OBSERVATIONS by THE BARONS OF EXCHEQUER.
4th. To make up, quarterly, His Majesty's Civil List Establishment for Scotland, with a duplicate thereof, to be kept at the Treasury; also, to make up Lists or Establishments of the allowances granted by way of compensations to Clerks and other Officers of the Court of Session, who were deprived of emoluments by Acts of Parliament regulating the proceedings of that Court, as well as compensations to Commissioners and Commissary Clerks.		
To make out Warrants of Imprest for paying to the Receiver General the sums necessary to be drawn from the Customs, Excise and Hereditary Revenues for payment of the several salaries, pensions and allowances before-mentioned; and also to make out a Precept to each individual for payment of the sums respectively due to them, amounting to between 600 and 700 precepts quarterly.		
To make out and enter all Precepts issued by the Barons in terms of Royal Sign Manuals, and Treasury Warrants for grants and imprests for particular purposes, Surplusages due to the Sheriffs and Stewards on their accounts, and various other payments.		
To record all Commissions, Privy Seals, Warrants under the Royal Sign Manual, Treasury and other Warrants, authorizing the payment of the several salaries, pensions and allowances before-mentioned; and also the Commissions and Warrants for salaries to the Inspectors and Surveyors of Taxes, and others in the Tax Office; likewise the Warrants of the Barons for paying the Parochial Clergy in Scotland the sums necessary for augmenting their stipends to 150 <i>l.</i> per annum, as well as the Warrants for payment of the stipends of the Ministers of the Government Churches in Scotland, together with all factories or powers of attorney for receiving any of the aforesaid salaries, &c. with a variety of other warrants for grants and imprests.		
To make the deductions of 6 <i>d.</i> and 1 <i>s.</i> in the pound from all salaries, pensions and other allowances on His Majesty's establishment, or otherwise, for which precepts are issued by the Barons.		
To make out and enter all Accounts called for by Parliament, or the Lords Commissioners of His Majesty's Treasury, relative to His Majesty's establishment, grants of public money, and various other matters under the Auditor's Department.		
In addition to what has been enumerated, there are a variety of other duties performed in the Auditor's Office, such as Reports on references from the Barons, Searches of Records, &c.		
From the brief statement which has been given of the business performed in the office of the Auditor, it will be seen that the duties are of a very laborious, important and responsible nature, particularly the examination and audit of the Public Accounts, the amount of the different sums accounted for being upwards of three millions yearly, including besides the great Revenue Accounts of Customs, Assessed and Land Taxes, and several other accounts of large sums paid out of these revenues to individuals for special purposes, and again accounted for by them in another form.		
The other business performed in the office is also of an important and responsible nature; and if the proposed arrangement in regard to the office of Receiver General in Scotland shall be carried into effect, it will add considerably to the labour and responsibility of the Auditor's Department.		
The Duties performed by the Clerk of the Pipe, are		
1st. Receiving the different Accounts of the Revenue of Scotland, arising from the Excise, Customs, and the different Lordships and Bishopricks; examining and entering the same in the Records of the office; as also the Accounts of the different Public Accountants into whose hands money is impressed; examining and recording the Sheriff's Accounts.	The duties of the office are attended with great responsibility, but the term confidential does not seem strictly to apply to them.	
2d. Granting Quietuses to the different Public Accountants upon these Accounts.		
3d. The Accounts are preserved in the office, and produced to the Barons of Exchequer, when called for.		
4th. The Summons of the Pipe is issued from this office for levying penalties forfeited to the Crown. This has been found a cheap and effective mode of recovering the debts, and has in consequence been resorted to more frequently than it formerly was.		

APPENDIX TO REPORT FROM COMMITTEE

DEPARTMENT.	Number of Persons employed.	CLASSIFICATION according to their Rank or Standing.	AMOUNT of SALARIES and EMOLUMENTS received by each.	ATTENDANCE given and required.
PRESENTER of SIGNATURES.	2	Sir James Montgomery, average Fees per annum - - - John Pringle, Depute, Average Fees per annum - - -	£. s. d. 200 - - - 386 19 1 324 14 8	From 10 to 3 o'clock daily.
CLERK to the Port BONDS.	1	Fletcher Norton Veitch. Mr. Veitch holds the office, during good conduct, by commission from the Barons, dated 30 June 1819. He has a salary of £.40 on the Civil Establishment. On discharging each bond he has a fee of 5 s. from the obligants, the annual average amount of which is from £. 20 to £. 30.		
KEEPER of the REGISTER of RESIGNATIONS.	1	Adam Longmore, senior. This officer is appointed by the Barons, and holds his office during good behaviour. He has a salary of £.40 on the Civil List Estab- lishment. The other emoluments of the office arise from a fee of 6 s. 8 d. upon every signature of lands passed in Exchequer; also upon all signatures of Gifts of Tutor, Bastardy, Ulti- mus Haeres, Escheats, and Tacks of Teinds. This fee is paid by the vassals and not out of the Public Revenue, the average amount of which is about £.50 per annum.		

AMOUNT OF DUTIES PERFORMED.	And whether they are of a confidential and important Nature, and such as require more than an ordinary Capacity.	OBSERVATIONS by THE BARONS OF EXCHEQUER.
<p>The office of Presenter of Signatures is of considerable trust and confidence. It would appear to have been created soon after the succession of James VI. to the Crown of England in 1603.</p> <p>The fees of the Presenter were regulated by the Act concerning the Regulation of the Judicatures 16 Charles II. and the continuance of the office after the Union was provided for by the 6th Queen Anne, c. 26.</p>		<p>The office of Presenter of Signatures falls upon the death or resignation of the present Presenter, to be regulated under the statute 57 Geo. III. c. 64.</p>
<p>It is necessary that the person exercising the functions of the office should have a general knowledge of the law, and be intimately acquainted with the nature and forms of the feudal rights and investitures by which lands and other heritages are held in Scotland, and also of the deeds of conveyance by which they are transferred from one individual to another.</p>		
<p>The utility of the office and the official duties are minutely detailed in the Sixth Report of the Commissioners of Inquiry, 26 April 1819; and it may therefore be sufficient to state shortly here, that the Presenter's duty consists in the examination of all signatures presented in Exchequer as warrants for charters of lands and other heritages holden of the Crown, and all signatures for Gifts of Bastardy, Ultimus Hæres, Tutories Dative, Tacks of Teinds, Gifts of Fishings, and other like gifts flowing from His Majesty with consent of the Barons of Exchequer, and passing under the Privy Seal of Scotland.</p>		
<p>In examining the signatures for charters of lands and other heritages the Presenter has also particularly to examine and compare with the former investitures, and to take care that the Crown gives nothing in the new charters which was not granted by the former titles; also, that the duties payable to the Crown are contained in the renewed investitures and further, that the signatures are in other respects correct and agreeable to the forms prescribed by the Barons and to the feudal practice of Scotland.</p>		
<p>The Presenter has also to ascertain the rate of composition or entry monies due to the Crown for the lands in the signatures, and, along with the Auditor and Agents for the parties, to fix the amount thereof.</p>		
<p>He also attends the Barons at their revising the signatures, and compares the most material parts of them with their Lordships, and afterwards presents the signatures in Court, when they are passed and signed by the Lord Chief Baron and Barons.</p>		
<p>The Presenter also examines all warrants for Pensions on the Civil Establishment, Presentations to Parishes and Churches, Letters of Legitimation, and all Commissions and Warrants from His Majesty passing the Privy Seal of Scotland. He afterwards attends the Barons for their signatures to these warrants.</p>		
<p>Duplicates of the books or rolls of the valued rents of the different counties in Scotland are kept in this office open for inspection, and it is the only place in Scotland where all these rolls can be seen in a collected state.</p>		
<p>Sir James Montgomery, baronet, holds the office of Presenter by Commission from His Majesty, dated 1 June 1797. The Commission is for life, and contains a power to " appoint a Deputy or Deputies for whom he shall be responsible."</p>		
<p>The Presenter has a salary of 200<i>l.</i> per annum payable from the Civil Establishment. He has an allowance of 10<i>l.</i> for stationery. Further he receives certain fees on the business passing through the office from the individuals interested in the business performed. He acts by John Pringle, his Deputy.</p>		
<p>The Deputy Presenter has no salary. His emoluments arise entirely from certain fees for business performed, which are paid by the individuals interested.</p>		
<p>The yearly amount of fees varies according to business done, and it has not increased of late years.</p>		
<p>The duty of this officer is to take charge of the bonds entered into by the masters of coasting vessels, and to recover from them and their sureties the penalties contained in the bonds, when they fail or neglect to return the proper certificates for cancelling them.</p>		
<p>The duty of this officer is to attend the Barons when the lands holden of His Majesty are resigned, for the purpose of obtaining new investitures; and the functions performed are, to enter in a book or register the names of the lands so resigned, and of the person making the resignation, and to whom the lands are to be regranted, with those of the notaries and witnesses present on the occasion.</p>		<p>This office is a necessary one, and the fees will probably be diminished, as it is anticipated that in future new charters will only be passed in making up heritable titles either from purchase or succession.</p>

(continued.)

APPENDIX TO REPORT FROM COMMITTEE

DEPARTMENT.	Number of Persons employed.	CLASSIFICATION according to their Rank or Standing.	AMOUNT of SALARIES and EMOLUMENTS received by each.	ATTENDANCE given and required.
EXAMINER.			£. s. d.	
KING'S WRITER.	1	John Philips.	50 - -	
SOLICITOR of EXCHEQUER. }	1	- Donald M'Lean. This officer has a salary on the Civil Establishment of £. 140 per annum. A further sum of £. 80 per annum was granted to the Solicitor in 1728. This allowance is paid out of an annual sum of £. 1,000 on the Civil Establishment, "for defraying the expenses of prosecutions against Crown vassals, and petty expenses of the Court;" which expenses were taken charge of, and paid away by the predecessors of Mr. M'Lean. This duty, however, is now performed by the Remembrancer, without remuneration, but the allowance of £. 80 is continued to Mr. M'Lean. The Solicitor's fees amount yearly to about £. 4, and he has an allowance of £. 8 for stationery.	129 10 -	The Solicitor devotes whatever time may be necessary for the performance of the duties at any period throughout the year, and is resident in Edinburgh, and at all times liable to be called upon to give attendance.

AMOUNT OF DUTIES PERFORMED.	And whether they are of a confidential and important Nature, and such as require more than an ordinary Capacity.	OBSERVATIONS by THE BARONS OF EXCHEQUER.
<p>The office of Examiner was created in 1709, in consequence of a memorial by the Barons, representing to the Lords of the Treasury, that an Examiner was required to take the depositions upon interrogatories of such witnesses as the Court might direct to be examined in causes depending before them, when it was apprehended that, on account of absence or other reasons, they would be unable to attend at the trials. A commission during pleasure was accordingly granted on 17th October 1709, by Queen Anne, to John Hall, to be Examiner, with an annual salary of 50<i>l.</i> The next commission was granted in 1714, by George I. but all succeeding commissions have proceeded from the Barons, in virtue of the powers vested in them by the Act constituting the Court.</p>		<p>This office is now vacant, and it is not proposed to be filled up. The duty in future will be performed by the King's Remembrancer.</p>
<p>Mr. James Wyllie, the last Examiner, was appointed by the Barons in July 1814. He died a few weeks ago. During the 16 or 17 years he was in office, it is believed that he was only on one occasion employed in taking an examination. On the occasion alluded to, his charges for examining and engrossing the answers of witness to queries, including 1<i>l.</i> 1<i>s.</i> for extra trouble, in consequence of the witnesses being foreigners, and examined through the medium of an interpreter, were 4<i>l.</i> 6<i>s.</i></p>		
<p>This office is held by commission from the Crown. The appointment is for life. The present officer, Mr. John Phillips, was appointed on 3d December 1829.</p>		<p>This office does not seem to be material, and upon a vacancy no successor should be appointed.</p>
<p>It is the duty of the King's Writer to raise and pass all hornings and captions issuing from Exchequer at the instance of the Receiver General of Land Tax, Collectors of Bishop and other Crown Rents, which are of rare occurrence. His charge for drawing diligences is 6<i>s.</i> for the first sheet, and 4<i>s.</i> for every other; in addition to which, however, a fee of 1<i>l.</i> 2<i>s.</i> 2<i>d.</i> called the King's Writer's Fee, is received on each diligence, conformable to ancient usage.</p>		
<p>The office of Solicitor of Exchequer was established at the desire of the Barons in 1708. The commission to the present Solicitor was granted by his late Majesty, 4th December 1822, and renewed by His present Majesty in November last. The appointment is, "Solicitor to His Majesty, in all matters and causes relating to debtors and accountants to the Crown in Scotland (except those under the conduct of the Solicitors of the Customs and Excise here), and to take care that all such debtors and accountants shall be duly prosecuted until they shall have finished and fully discharged their accounts; and to act, do and perform such other matters and things as the Barons of Exchequer there for the time think fit to commit to his care."</p>		<p>It therefore appears, that Mr. M'Lean's emoluments consist of 129<i>l.</i> 10<i>s.</i> on the establishment, and 80<i>l.</i> from the Court fund; and we may observe, that in the Report of the Barons to the Lords Commissioners of His Majesty's Treasury, dated October 1821, they stated, that "the salary of this officer, upon the termination of the then interest, may be reduced to 100<i>l.</i>"; but, notwithstanding this observation, Mr. M'Lean received his appointment in December 1822, with the former salary.</p>
<p>Under this commission the duties of the Solicitor are, to take care that the accounts of all debtors and accountants to the King shall be regularly brought forward and passed in Exchequer, and in particular to see that the Feu and Teind Duties, and the Land Rents payable to the King, and to the Prince of Wales, in Scotland, shall be duly paid to the Receiver General; and also to take charge of all suits and actions, excepting those which have been placed under particular solicitors, whether in the Court of Exchequer, the Court of Session, or any other Court in Scotland, where the interest of the King or the jurisdiction of the Court of Exchequer is concerned, including specially those relative to the Duties and Rents above-mentioned, and Offices, Escheats, Bastardies, and the King's Palaces and Churches; and to perform generally the duties of a Solicitor in any other matter which the Barons may commit to his care.</p>		
<p>The payment of the Feu and Teind Duties and of the Land Rents is chiefly effected by means of correspondence with the debtors or their agents. At one time only a single letter was written to each person in arrear, and a charge was made against him for it when he paid the duty of rent demanded; but this charge has, since Mr. M'Lean's appointment, been discontinued, at the desire of the Barons. Instead of one letter, the Solicitor now writes as often as the particular circumstances of each case appear to require, and the correspondence in the course of the year is considerable. This practice seems to have been attended with beneficial results, as the list of arrears is at present smaller, it is believed, than it has ever been. For no part of this correspondence is any charge made against, or fee received from the Crown or the debtor. When correspondence proves ineffectual, Letters of Horning are raised on Precepts from Chancery, which the Solicitor sends yearly to the Sheriff of each county, to be delivered to each vassal and tenant, commanding him to pay at a term specified, and the delivery of which is certified by the Sheriffs, and in virtue of a certificate from the Auditor of Exchequer; but this diligence is avoided as much as is possible.</p>		

APPENDIX TO REPORT FROM COMMITTEE

DEPARTMENT.	Number of Persons employed.	CLASSIFICATION according to their Rank or Standing.	AMOUNT of SALARY and EMOLUMENTS received by each.	ATTENDANCE given and required.
MARSHALL.	1.	Adam Longmore, jun. The present Marshal was appointed by Royal Commission, dated 19th December 1818, by which he is authorized to appoint a deputy, for whom he is to be answerable. He has a salary of £.80 per annum, subject to 6d. deduction on the Civil Establishment, and a small fee of 1s. 8d. on the annual account passed by each Sheriff in Court. This fee amounts to about £.2. 15. per annum.	£. s. d.	
MACERS.	3.	William Veitch. James Anderson. Peter Keith. The Macers now hold their commissions from the Barons during good behaviour. They have each a salary on the Civil Establishment of £.100 -- The Macers have also fees on passing accounts, judicial trials, and other business in Court, averaging each about 45 -- Each - - -	145 - -	
HERITABLE USHER.	1.	James Gibson Craig. This office was last held by Lord Ballandean, for behoof of whose creditors it was judicially sold in 1802, and purchased by Mr. Gibson Craig. The salary of the office on the Civil Establishment is £.11. 2. 2. The Usher has certain fees from persons taking oaths of office, swearing to accounts, and passing signatures, &c. which average about - - -	90 - -	
DEPUTY USHER.	1.	James T. Gibson Craig. This officer holds an appointment of Deputy by commission from the Principal Usher, dated 11th March 1823. He has a salary on the Civil Establishment of £.50 per annum, but no fees distinct from those of the principal.		
DOORKEEPERS.	2.	William Allan and William Scott. These Doorkeepers were appointed by the Principal Usher, the first by commission, dated 2d September 1785, and the latter by commission, dated 24th January 1827. The emoluments of each are as follows: A salary on the Civil Establishment £. s. d. And an annual allowance from the monies imprest ed for defraying the expenses of Court - - - 10 - - Fees on trials in Court, passing accounts, revising signatures, &c. about - - - 34 - - Each - - -	94 - -	

AMOUNT OF DUTIES PERFORMED.	And whether they are of a confidential and important Nature, and such as require more than an ordinary Capacity.	OBSERVATIONS by THE BARONS OF EXCHEQUER.
<p>The duties of the office of Marshal, as at present exercised, are detailed in the oath of office presented at the Union, and continued ever since. It is as follows:—“ You swear that you shall well and safely keep all such Records of this Court as shall be committed to your custody; and you shall safely keep all such prisoners and accountants as shall be committed to your charge by the Court; and all warrants directed to you shall truly do and execute; and all other things appertaining to you to be done, as Marshal of this Court, you shall well and truly do and perform to the best of your skill and power.”</p>		<p>This office does not seem to be material, and upon a vacancy, no successor should be appointed.</p>
<p>During the sitting of the Court, the Marshal or his Deputy is constantly in attendance to keep order, to be ready to take into custody any person guilty of contempt of Court, or a witness who may be committed for prevarication or perjury. He is also always ready to bring in accountants when ordered, and keep them in custody when committed to his charge. It thus seems requisite that the office should be held by a person of responsibility, as he is responsible for the safe keeping of accountants or prisoners committed to his charge, and would be answerable in case of their escape.</p>		
<p>The duty of the Macers is to attend the Barons at all meetings of Exchequer, to carry the mace in and out of Court, attend juries, take charge of witnesses, and swear such persons as make affidavit before the Court. They also summon yearly all accountants and debtors to the Crown, to settle and discharge their accounts, resign all lands holding of His Majesty in the hands of the Barons, and execute all instructions, orders and decrees of their Lordships.</p>		
<p>The functions of this office are to usher the Barons into and out of Court when called upon so to do, and to usher into Court the Sheriffs' Public Accountants, and all other persons having business there. It is also the duty of this officer, by his substitutes or doorkeepers, to keep the doors of the Court, and attend the Barons and officers of Court, for the purpose of executing the necessary orders.</p>		<p>In the Sixth Report of the Commissioners on the Courts of Justice, they notice that this officer claims, as a part of the emoluments of his office, “ a right to furnish stationery, &c. “ for the use of the Barons and other officers of the Court, “ to provide coals and candles for the Court, to direct and see “ to and pay the workmen's bills for all buildings, repairs and “ furniture of the said Court, and to receive a poundage of 1<i>s.</i> “ per pound on the amount of the expenditure, which rights “ and poundage he alleges belong to the office of Usher in the “ Court of Exchequer in England. He also claims a right to “ appoint the housekeeper of the Court, and the doorkeepers; “ but as all these claims are disputed, and are in the course of “ discussion in the Court of Session, we forbear stating any “ opinion respecting them.</p>
<p>There are not any duties assigned to, or performed by, the Deputy Usher, distinct from those of the Principal Usher, all of which are performed by his substitutes or doorkeepers.</p>		<p>“ Two of the doorkeepers who at present officiate, were appointed by, and hold their commissions from the Usher. These persons receive the salaries and fees which are appropriated to the doorkeepers of the Court, as will appear from the account of their office, to be afterwards given. It was stated to us by Mr. Gibson, that it had always been the practice to sell these appointments, but that he had taken nothing for the commissions in question.”</p>
		<p>“ In concluding our Report as to this office, with respect to which the circumstances already mentioned prevent our going more into detail, we think it our duty to observe, as we had occasion to do in giving an account of one of the Macerships in the Court of Session, which is held by hereditary right, that a tenure of this kind in a Court of Justice is highly unsuitable and inexpedient; and that in our opinion, when the existing disputes respecting the present rights of the office of Usher are legally determined, the office shall be resumed by the Crown, on payment of a suitable remuneration to the holder, and a new arrangement be then made for the discharge of its duties. With a view to these, there can be no occasion for any allowance to a deputy; and it appears to us, that such duties as are attached to the situation will be sufficiently recompensed by the fees and allowances which belong to the office of Usher by ancient usage.”</p>

(continued.)

APPENDIX TO REPORT FROM COMMITTEE

DEPARTMENT.	Number of Persons employed.	CLASSIFICATION, according to their Rank or Standing.	AMOUNT of SALARY and EMOLUMENTS received by each.	ATTENDANCE given and required.
CHAMBERLAINS.	10.	William Murray, Chamberlain of Earl-dom of Ross. William Berry, Chamberlain of Fife and Strathearn. For expenses - - - - William Campbell, Chamberlain of Lord-ship of Galloway and Duncow. For expenses - - - - He is also allowed the expense of coming to Edinburgh to pass his ac-counts. Robert Hay, Heritable Collector of Lordship of Dunbar. Salary 22 bolls of wheat and 22 bolls of barley. James Reid, Chamberlain of Lordship of Lindores. For expenses - - - - Lord Dunglass, Chamberlain of Ettrick Forest. John Kerr, collector of Archbishoprick of St. Andrew's and Bishopricks of Edinburgh, Brechin, Moray, Gallo-way, Dunblane, Dunkeld, Aberdeen and Caithness. Expenses of collection - - Laurence Hill, collector of Archbishop-rick of Glasgow. William Murray, collector of Bishop-rick of Ross. Thomas Graham, Chamberlain of Orkney Besides a free house and some ground at Crantel.	£. s. d. 125 - - 55 - - 20 - - 18 - - 10 - - 5 11 1 $\frac{1}{2}$ 11 2 2 $\frac{1}{2}$ 300 - - 200 - - 162 8 10 30 - - 83 6 8 350 - -	
The RECEIVER GENERAL's OFFICE.	5.	Alexander Maclean, Receiver General. John Ferrier, William Grig, Deputies. William M'Candlish, first Clerk. William Park, second Clerk. third Clerk (vacant).		
CLERKS for conducting the Sale and Re-demption of Land Tax.	2.	Adam Longmore, jun. } and } joint Clerks - Alexander Kidd - - }	60 - -	The attendance is constant.

AMOUNT OF DUTIES PERFORMED.	And whether they are of a confidential and important Nature, and such as require more than an ordinary Capacity.	OBSERVATIONS by THE BARONS OF EXCHEQUER.
The average amount of revenue is 2,350 <i>l.</i> , paid by 35 persons.		
The revenue is 1,200 <i>l.</i> , and is collected from about 170 persons.		The emoluments of the office appear to us to be too small for the duty performed, and is now under consideration of the Lords of the Treasury, on a Report from us, on a petition from Mr. Berry, dated 12 July 1831.
The revenue is about 130 <i>l.</i> , and is collected from 60 persons.		
The revenue is about 700 <i>l.</i> , and is collected from 10 persons.		
The revenue is about 30 <i>l.</i> , and is collected from 18 persons.		
The revenue is 235 <i>l.</i> , and collected from 30 persons. The deputy has an allowance of 20 <i>l.</i> The deficiency of revenue to pay this Chamberlain's salary is directed to be made up from reverutes of Lordship of Dunbar.		
The revenue is about 3,500 <i>l.</i> , and is collected from 500 persons.		
Revenue 1,700 <i>l.</i> , and is collected from 170 persons.		
Revenue is 500 <i>l.</i> , and collected from 45 persons.		
Revenue about 1,350 <i>l.</i> , collected from about 235 persons.		
The duty of these Chamberlains is to collect Crown Revenues from the different persons liable in the same, and to remit it to the Receiver General of Land Rents at the Exchequer, Edinburgh; for doing so they respectively grant bond to the Crown.		
For the duties of the Receiver General's department, and the proposed regulation of the office, reference is made to the Baron's letters to the Treasury of 30 December 1830 and 25 January 1831, and the Treasury Minute of 18 February last, ap- proving of the arrangements of the office proposed by the Barons.		
The redemption and sale of the Land-Tax was authorized by the statute 38 Geo. III. c. 60 (1798). Soon after the passing of this Act Mr. James Baird, then of the Exchequer, was appointed by the Barons to issue the necessary forms, and to superintend the		The salary of this office was former- ly 100 <i>l.</i> per annum; but in May 1830 the Barons reduced it to 60 <i>l.</i>
execution of the Act; for this duty the Barons, with the sanction of the Treasury, granted Mr. Baird an allowance of 100 <i>l.</i> for his trouble. Mr. Baird died in 1801, when the Barons appointed Mr. Thomas Weir to take charge of the business in his place, with a similar allowance of 100 <i>l.</i> per annum. Mr. Weir died in 1814, when the Barons nominated Alexander Kidd and Adam Longmore, junior, to succeed him, with a like allowance of 100 <i>l.</i> They still hold the office, but the salary was reduced by the Barons, in May 1830, to 60 <i>l.</i> , in consequence of the trouble being diminished, owing to the high prices of the stocks, which discourage purchasers, as the consideration paid is regulated by the selling price of the funds. Were the stocks however to fall, the transactions would again increase, as there is only about one-third of the land tax yet redeemed in Scotland.		
The duty of the persons who conduct this business is to assist persons desirous of redeeming their land tax, and to point out the mode of proceeding, which is very complex and intricate, and require a familiar acquaintance with the various Acts of Parliament which have been passed on the subject. Besides this, the present incumbents have had much more to do. When they succeeded to the office, seventeen years ago, they found the business in the greatest confusion, owing to their predecessors having paid little attention to it, and they had much trouble in rectifying this confusion. In many instances, although the purchase-money was paid, the lands were not exonerated, owing either to the contract being lost, or to the omission to register it in the proper office in London in terms of the statutes. In this way the annual land tax was still kept up in the county cess books against the lands, and which the collector was, for his own sake, obliged to levy. This created much ill humour among the landholders, as well as much confusion in the accounts of the Collector and Receiver General. Most of them have, however, now been set right.		(continued.)

APPENDIX TO REPORT FROM COMMITTEE

DEPARTMENT.	Number of Persons employed.	CLASSIFICATION according to their Rank or Standing.	AMOUNT of SALARY and EMOLUMENTS received by each.	ATTENDANCE given and required.
TAX OFFICE: In-door Department -	9.	Comptroller (vacant.) James Mackenzie, Assistant Comptroller James Paterson - 1st Clerk - - James Glover - - 2d ditto - - James Carmichael, 3d ditto - - Pulteney Dalzell - 4th ditto - - William Carrick - 5th ditto - - From the two last salaries there is deducted 2½ per cent. for Superannuation Fund. Duncan M'Intosh, Messenger - - Jane M'Leod, Housekeeper - -	£. s. d. 400 - - 260 - - 160 - - 130 - - 90 - - 80 - - 70 - - 45 - -	Constant Attendance. Daily attendance from six to eight hours each lawful day without regard to holidays.
Out-door Department: INSPECTORS - -	6.	Robert Brown, Aberdeen Division - James Goldie, Dumfries Division - James Robertson, Edinburgh Division - William A. Paterson, Glasgow Division - Alexander Mackay, Inverness Division - James Bisset, Perth Division - -	175 - - 175 - - 175 - - 175 - - 175 - - 175 - -	
SURVEYORS OF VACANT DISTRICTS.	3.	David Robertson, Kelso - - - John Christie, Edinburgh - - - E. J. Maughan, ditto - - -	120 - - 120 - - 120 - -	

AMOUNT OF DUTIES PERFORMED.	And whether they are of a confidential and important Nature, and such as require more than an ordinary Capacity.	OBSERVATIONS by THE BARONS OF EXCHEQUER.
The Duties of the In-door Department of Taxes under the Comptroller may be stated generally as follows; viz.		
I. In a general superintendence and control over the whole officers employed in the assessment of the duties of Assessed Taxes.		
II. In the examination and check of the discharge vouchers of the Collectors of Taxes, as far as these consist of sums allowed by the District Commissioners on appeals, and of such as are stated and returned by the Collectors to be irrecoverable.		
III. In collating and checking the annual Lists of Arrears of Taxes prepared by the Collectors as outstanding at 1 August annually, and transmitted by them to the King's Remembrancer in Exchequer to obtain the Barons' orders for imposing on the parties in arrear the penalty of five per cent. in lieu of triple duties.		
IV. In causing investigation to be made into the merits of numerous applications addressed by private parties to the Barons of Exchequer, claiming repayments of taxes, and for various other purposes under the Assessed Tax and Composition Acts, or made by officers for moieties of surcharges and incidental expenses. On all such applications the Comptroller prepares reports for the information of the Barons of Exchequer.		
V. In a constant correspondence with the Board of Taxes in London, with a great variety of business relative to the Assessed Taxes generally, and to individual assessments on private parties; also in furnishing various annual accounts, &c.		
And in general the duties of the officers of the In-door Department, in so far as regards correspondence with the Inspectors and Surveyors of Taxes, the checking of their proceedings, the making up of accounts, and most other branches of the In-door duty, are presumed to be as nearly similar as they can be brought to those of the officers employed under the Board of Taxes in London.		
The principal duties of the Inspectors of Taxes are, to watch the progress of the Surveyors in their respective Divisions; to make check surveys of houses and windows; to inquire into the establishments kept by parties, and to see that they are fully and properly assessed for them; to examine the assessments and other annual accounts of the Surveyors previously to their transmission to the Tax Office; to make up annually accounts of charges for the Assessed Taxes and Composition Duties against the Collectors for the use of the Tax Office; to attend the Appeal Courts along with the Surveyors to defend the assessments made by the Surveyors; and to examine and make a first check on the discharge vouchers of Collectors in respect to sums allowed by the Commissioners on appeal, and the assessments on sums said to be irrecoverable.		
The Surveyors of Vacant Districts are appointed for discharging the public duty in cases of vacancies occurring by the death of any of the District Surveyors, or of the inability of the latter to execute their office through indisposition or otherwise. Of course, the duties of the Surveyor for Vacant Districts are similar to those performed by the local or district officers. <i>Vide</i> the Duties performed by them.		
They are also occasionally employed by the Comptroller; in cases of complaints being made against District Surveyors at a time when the Inspector is otherwise engaged, to make inquiries and investigations into the circumstances of the case, and in reporting the result for his information. Two of them also, who reside in Edinburgh, are occasionally called to assist in the Comptroller's Office when there is a sudden press of business (owing to an unforeseen call for accounts or otherwise) which could not be overtaken in proper time without extra assistance to the permanent Clerks.		(continued.)

AMOUNT OF DUTIES PERFORMED.	And whether they are of a confidential and important Nature, and such as require more than an ordinary Capacity.	OBSERVATIONS by THE BARONS OF EXCHEQUER.
<p>The duties of a Surveyor of Taxes may be generally stated as under; viz.</p> <p>As soon as he receives the stores for the service of the year, which is usually before the term of Whitsunday, at which time the year of assessment begins, he makes a copy of the former years assessments into what is called a pocket survey-book, which is of various sizes, according to the size of the District for which it is used; after that he prepares and fills up the Notice papers, for returns of servants, carriages, &c. which are to be left with the parties for the purpose of being returned to him, with lists of the articles kept. He also fills up notices of charge for houses and windows, intimating the assessments for these duties to the parties, subject to correction, if found, on the actual survey, to be requisite. After Whitsunday the Surveyor proceeds on the actual survey of his District, going from door to door, or, in the country, travelling from house to house, to ascertain such alterations and changes as may have taken place since their former examination, in regard to the number of windows, &c. in each house, and for the purpose of inquiring into the state of the different establishments, the places to which parties liable for such establishments may have removed, and such other particulars as may be conducive to an accurate assessment. On this occasion the Surveyor leaves at each dwelling-house the before-mentioned notices of charge for windows, &c. and notice papers calling for returns of establishments; and also, at the necessary places, forms of accounts, to be filled up and returned to him by the parties under-mentioned; viz. keepers of lodging houses, livery-stable keepers, licensed postmasters, makers and sellers of carriages, and keepers or trainers of race horses. After the Surveyor has obtained the returns of parties, he examines and checks them, which necessarily gives rise to much correspondence and many interviews with those parties. The annual accounts which the Surveyor has to prepare and forward to the Inspector for his examination, before they are transmitted to the Tax Office, and previous to the completion of his assessments, are—</p> <ul style="list-style-type: none"> 1st. The No. 8, or total charge for assessed taxes for the year current, made up according to the then state of the increase or decrease in the different branches of duties in the District. 2d. No. 10, part 1st, being an account of the establishments of persons returned wholly or in part out of the District. 3d. No. 10, part 2d. An account of the establishments charged in the former year on persons who have since removed from the District, specifying the places to which they have removed, and also stating such articles as they are liable for in addition to those charged for in the preceding year. 4th. No. 10, part 3d. An account of the Stewards, Overseers, &c. employed in the District where the persons who employ them have no place of residence, and are not charged for any of the duties. 5th. No. 10, part 4th. An account, taken from the returns of hirers of servants, carriages and horses let to hire, in such manner as the post-horse duty is not paid. <p>Besides the above, I may mention that the Surveyor has to make out extracts from the accounts he has received from lodging-house keepers, livery-stable</p>		

(continued.)

APPENDIX TO REPORT FROM COMMITTEE

AMOUNT OF DUTIES PERFORMED.	And whether they are of a confidential and important Nature, and such as require more than an ordinary Capacity.	OBSERVATIONS by THE BARONS OF EXCHEQUER.
<p>stable keepers, licensed postmasters, coachmakers, and keepers of race horses, already referred to; which are likewise sent to the Inspector for examination before being transmitted to the Tax-Office.</p> <p>The Surveyor then makes out the books of assessment in duplicate, one copy for the use of the Collector and the other for the Tax-Office. He then fills up and delivers the notices of charge (which also specify the time and place for hearing appeals) on each individual in his assessment. When the duplicates of the first assessments have thus been furnished to the Collectors and to the Tax-Office, or very soon after Candlemas, the Surveyor proceeds to make a survey and assessment of such houses as he found uninhabited or unfinished at the time of his first survey; or of those houses whose occupiers had notified to him their intention to remove at the term of Martinmas or Candlemas. In this second or supplementary assessment, are included additional charges made on parties, in consequence of more correct information obtained, or such as have resulted from further check surveys by the Inspector, or directions received from the Comptroller.</p> <p>After the Surveyors have completed and furnished to the Collectors and the Tax-Office duplicates of the Second or Supplementary Assessments, they proceed to make up for their respective Districts the account termed the <i>Class Abstract</i>, being a classified Statement annually required by the Board of Taxes, of certain minute particulars under each branch of the Assessed Taxes. Thus, in regard to windows, the account exhibits the number of houses in the district having eight windows, and so on progressively up to houses having 180 windows, with the amount of duty on each progressive class. And the same or a similar minuteness of classification is made in regard to each of the other branches of Assessed Taxes. This Abstract also contains a Statement of the various exemptions under the several Acts of Parliament, applicable to each head of duty, and to each description of servants, horses, &c. with the cause of such respective exemptions. And there is appended to it another account, exhibiting a comparative Statement of the several duties for the preceding and current years, and thereby showing the increase or decrease on houses and windows; and more minutely on each of the other branches, in respect that it embraces separately the various classes of servants, horses, carriages, &c.; thus showing on each branch or class the amount of increase or decrease; and for the latter they must satisfactorily account.</p> <p>The Surveyors ought also carefully and minutely to examine the Discharge Vouchers of the Collectors of Taxes, in so far as those relate to sums of reduction allowed by the Commissioners to parties on appeals, or of sums which are stated by the Collectors and their officers to be irrecoverable. The Surveyors collate all such reductions with the charges standing against the respective parties in their duplicates of assessment; for the total amount of which duplicates the Collectors stand charged, and must account to the Receiver-General; so that no sums can go to the credit of the Collectors which are not stated to their debit. Such examinations have also the effect of preventing any sums on appeals from being placed to the Collector's credit, which were not known by the Inspector and Surveyor to be regularly allowed by the Commissioners; or any allowance of sums as irrecoverable arrears, without those officers being satisfied as to the facts in each respective case.</p>		

APPENDIX TO REPORT FROM COMMITTEE

DEPARTMENT.	Number of Persons employed.	CLASSIFICATION according to their Rank or Standing.	AMOUNT of SALARY and EMOLUMENTS received by each.	ATTENDANCE given and required.
INSPECTORS of the ACCOUNTS of COLLECTORS of ASSESSED TAXES.	2.	Robert Maughan - - - - Thomas Kyd - - - -	£. s. d. 220 - - 220 - -	Attendance daily, when not engaged in examining the intromissions of Col- lectors and Sub-Collectors of Taxes in the different districts of Scotland.

AMOUNT OF DUTIES PERFORMED.	And whether they are of a confidential and important Nature, and such as require more than an ordinary Capacity.	OBSERVATIONS by THE BARONS OF EXCHEQUER.
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These Inspectors act under the immediate directions of the Barons and the King's Remembrancer of Exchequer. Mr. Maughan entered the service on 3d July 1786, and Mr. Kyd on 4th July 1807. Their duties are as follows:

1. It is the duty of these Inspectors, on receiving instructions for that purpose, to examine the intromissions of the several Principal and Sub-Collectors of Taxes throughout Scotland, in order to ascertain the precise state of their accounts, and whether the taxes have been promptly collected, and duly remitted and accounted for according to law; to instruct such of them as may require it, in the proper way and manner of keeping their public cash books, and in adjusting the various discharge vouchers of their accounts, such as appeals, irrecoverable arrears, and 5 per cent on arrears not recovered.

2. When not engaged in this important branch of duty, the Inspectors attend in the King's Remembrancer's Office, where the following Duties are performed by them; viz.

1. They prepare and transmit annually to the respective Surveyors, forms for the purpose of entering the charges against each Principal and Sub-Collector in their district, which on being returned as required to the office of King's Remembrancer, are entered by the Inspectors in books kept for that purpose. In these books are also entered, from time to time, the amount of sums paid over to the principal Collector or remitted to the Receiver-General, together with such appeals and other articles of discharge as may be placed to the Collector's credit.

2. From these books the Inspectors occasionally make up general and particular statements in order to exhibit the precise balance that happen to be due by Collectors, which statements are submitted to the Remembrancer for his consideration and directions.

3. Each Principal and Sub-Collector is required by law, and the terms of his surety bond, to make up and transmit to the Remembrancer quarterly, at the four usual quarter-days, statements, verified on oath, of their intromissions, with the taxes of the county, district or burgh under his collection. This statement exhibits,—

1. The balance, if any, remaining in the Collector's hands at the termination of the preceding quarter.

2. The sum received since that day.

3. The sum paid to the Principal or Receiver-General, as the case may be.

4. The balance, should there be any, remaining on hand at the termination of the quarter for which the statement is made up.

Forms of these statements are prepared by the Inspectors, and transmitted by them to the respective Collectors and Sub-Collectors. The Inspectors likewise make up quarterly, from the statements returned by the several Collectors, lists or schedules of the amount of the collection, remittance and balance appearing on the face of the statements, for the purpose of examining and checking the same with the remittances actually made to the Receiver-General or Principal Collector.

4. The Sub-Collectors are, by the statutes and their surety bonds, obliged to pay over to the Principal Collector, the sums collected by them previous to the first day of every calendar month after receiving the same, and the Principal Collectors are required to grant duplicate receipts for such monthly payments by the Sub-Collectors, and these duplicate receipts, when received by the Remembrancer, are entered by the Inspectors in a book kept for the purpose of exhibiting the intromissions of the different Sub-Collectors from time to time.

It may be proper here to observe, that the Inspectors alone are enabled, by means of these duplicate receipts and charges returned by the Surveyors, to make up statements of the Sub-Collectors intromissions, as they account directly to the Principal Collectors and not to the Receiver-General, who therefore is unacquainted with the sums paid over by the Sub-Collectors.

5. By the 16th section of the Statute 52 Geo. 3, cap. 95, Collectors are required on or before the 1st of August in each year to transmit to the King's Remembrancer, lists or schedules of the arrears of taxes due by every person, in the year preceding the said 1st August. These lists, when received, are laid before one of the Barons, who grants an order for levying a per centage (usually 5 per cent) on the arrears in each district. The amount is then entered by the Inspectors in a book kept for that purpose, and the lists, with the Baron's order directing the Commissioners of Supply to issue warrants for levying the per centage, are transmitted by the Inspectors to the respective Collectors and Sub-Collectors, and the total sums of per centage are charged against the Collectors respectively by certified states made out by the Inspectors and delivered to the Principal Collectors and Receiver-General.

6. For the purpose of ascertaining the state of the collection and the date of the Commissioners Warrant for levying the per centage, the Inspectors, under direction of the Remembrancer, prepare and transmit forms regarding the arrears to be filled up, certified and returned by the Collectors.

7. The Inspectors prepare drafts of letters to Collectors, calling on them from time to time to settle their accounts. These drafts, after being revised and approved of by the Remembrancer, are copied by the Inspectors and signed by the Remembrancer, and after being entered in the books of his office are dispatched to the Collectors.

8. The Inspectors frequently assist at the final settlement of the Collectors' accounts, by making up, when required, detailed statements, for the purpose of reconciling discrepancies which sometimes occur between Collectors' accounts and the books of the Receiver-General.

9. The Inspectors, under the directions of the Remembrancer, assist in examining the lists and vouchers of discharge by appeals and irrecoverable arrears, transmitted by the several Collectors to the Receiver-General, in conformity with the orders of the Barons of 4 July 1829, to ascertain whether such lists are made out and properly certified, previous to their being passed to the credit of the Collectors.

APPENDIX TO REPORT FROM COMMITTEE

DEPARTMENT.	Number of Persons employed.	CLASSIFICATION, according to their Rank or Standing.	AMOUNT of SALARY and EMOLUMENTS received by each.	ATTENDANCE given and required.												
SOLICITOR OF TAXES.	- -	<p>This office is at present vacant. Mr. William Fraser was appointed Interim Solicitor by the Barons on 24 March 1831.</p> <p>By an order of the Barons of 5 August 1783, the Solicitor of Taxes was authorized to make the following charges :—</p> <table> <tbody> <tr> <td>For every necessary Letter . . .</td> <td>- 3 4</td> </tr> <tr> <td>For serving every Order in Edinburgh</td> <td>- 2 6</td> </tr> <tr> <td>For drawing Copy Affidavit . . .</td> <td>- 1 -</td> </tr> <tr> <td>For every necessary attendance out of Court</td> <td>- 6 8</td> </tr> <tr> <td>For copying each sheet of Reports made by him to the Court, or Brieves to Counsel, or other neces- sary writings, each sheet containing five folios of ninety words in each folio at least</td> <td>- 2 6</td> </tr> <tr> <td>Annual Bills have heretofore been submitted to the Barons, and after examination payment ordered.</td> <td></td> </tr> </tbody> </table>	For every necessary Letter . . .	- 3 4	For serving every Order in Edinburgh	- 2 6	For drawing Copy Affidavit . . .	- 1 -	For every necessary attendance out of Court	- 6 8	For copying each sheet of Reports made by him to the Court, or Brieves to Counsel, or other neces- sary writings, each sheet containing five folios of ninety words in each folio at least	- 2 6	Annual Bills have heretofore been submitted to the Barons, and after examination payment ordered.		<p style="text-align: center;">£. s. d.</p>	
For every necessary Letter . . .	- 3 4															
For serving every Order in Edinburgh	- 2 6															
For drawing Copy Affidavit . . .	- 1 -															
For every necessary attendance out of Court	- 6 8															
For copying each sheet of Reports made by him to the Court, or Brieves to Counsel, or other neces- sary writings, each sheet containing five folios of ninety words in each folio at least	- 2 6															
Annual Bills have heretofore been submitted to the Barons, and after examination payment ordered.																

Exchequer Chambers, Edinburgh,
15 July 1831.

AMOUNT OF DUTIES PERFORMED.	And whether they are of a confidential and important Nature. and such as require more than an ordinary Capacity.	OBSERVATIONS by THE BARONS OF EXCHEQUER.
<p>For some time past the business in the Solicitor's department has been very much reduced, owing to all correspondence with Collectors on the subject of their respective collections and adjustment of their accounts being conducted in the departments of the King's Remembrancer and Receiver General. This arrangement, while it has increased the business of these departments, has simplified very much that of the Solicitor's; so much so, that the duties of the office may be comprised under the following heads:—</p> <ol style="list-style-type: none"> 1. Raising and conducting diligence against Collectors who fall into arrear, when he receives orders from the Barons to that effect. 2. Assisting Surveyors to prepare answers to appeal cases in any intricate or leading cases which may occur. 3. Getting from Clerks of Commissioners stated cases for review of the Barons, in those instances where the decisions of the Commissioners are not acquiesced in. 4. Raising prosecutions against persons who transgress against the Game Laws. 5. Making reports to the Barons on such applications as are remitted to the Solicitor for his report. 		

Henry Jardine, King's Remembrancer.

Appendix, No. 3.

STATEMENT, showing the Amount of the HEREDITARY REVENUE in Scotland, from 2d February 1817 to 2d February 1818, and from 5th January 1828 to 5th January 1830, and of the Mode of its Application during the same period.

YEAR from 2d February 1817 to 2d February 1818.	£. s. d.	£. s. d.
RECEIPTS:		
BALANCE on 2d February 1817 - - - - -	- - -	17,926 12 10 1/
Crown Rents and Casualties - - - - -	7,708 10 9 1/	
Compositions on Signatures - - - - -	1,050 10 9 1/	
New Subsidy of Customs - - - - -	31,050 - -	
Fines and Forfeitures of Customs - - - - -	510 - -	
Hereditary Revenue of Excise, including Fines and Forfeitures - - - - -	34,018 16 2 1/	
Interest received from the Bank, arising on Money deposited - - - - -	523 16 7	
		74,861 14 4 1/
RECEIPTS - - - - -	£. - - - -	92,788 7 3 1/
APPLICATION:		
King's Household, and Officers on the Civil List Establishment who do not belong to the Judicial Establishment - - - - -	11,234 11 10	
Pensions on the Civil List Establishment - - - - -	38,850 3 9	
His Majesty's High Commissioner - - - - -	2,085 10 -	
Procurator of the Church, to be paid to Itinerant Preachers, &c. - - - - -	2,098 10 -	
Crown Agent for Criminal Prosecutions - - - - -	8,000 - -	
Robert Mitford, Esq. of the Treasury, in aid of His Majesty's Civil List in England - - - - -	10,000 - -	
Clerk in Chancery, Annual Allowance for comparing Charters, &c. Ditto - Annual Allowance for making up Responde Book, &c. - - - - -	5 - - 30 - -	
Salary to Chamberlain of Ettrick Forest - - - - -	500 - -	
Allowance for Coach-house and Stables to Barons of Exchequer - - - - -	60 - -	
Expense of Botanic Garden for three quarters - - - - -	314 7 3	
His Majesty's Almoner, to defray the Expense of increase of Alms and Beedsmen's Gowns, 4th June 1817 - - - - -	268 18 9	
Stipend to Minister of Kirkliston, Feu Duty of Hallyards - - - - -	5 11 7 1/	
King's Plate to the Magistrates of Edinburgh - - - - -	105 - -	
Repairs on Holyrood House - - - - - Ditto on His Majesty's Throne - - - - -	494 - 1 1/ 134 13 7	
Professor of Natural History, Edinburgh; Expense of Museum - - - - -	100 - -	
Solicitor of Tithes, his Salary for half a year - - - - -	40 - -	
Alexander Mundell, Esq., Solicitor, for his trouble in preparing Bills relating to Scotland - - - - -	409 - 6	
Thomas Langlands, Esq. for attendance and trouble as Solicitor for Scotch business in Parliament - - - - -	206 7 6	
King's Plate to Royal Company of Scottish Archers - - - - - Ditto, for Caledonian Hunt - - - - -	20 - - 105 - -	
In aid of the Subscription for the distressed Inhabitants of Skye - - - - -	500 - -	
Agents before the Court of Session in matters relating to Teinds Ditto, an Imprest for ditto - - - - -	579 16 3 1/ 150 - -	
For Receipt Stamps for discharging the Quarterly Allowance paid for His Majesty's Charities, from 1803 to 1817 - - - - -	14 11 6	
Repairs on the Abbey of Aberbrothick - - - - -	100 - -	
Repayment of a Composition on a Signature - - - - -	3 9 6	
Expense fitting up King's Seat in Canongate Church - - - - -	21 - -	
		76,435 12 2 1/
BALANCE - - - - -	£. - - - -	16,352 15 - 10

Appendix, No. 3.—Statement showing Amount of Hereditary Revenue in Scotland—continued.

YEAR from 5th January 1828 to 5th January 1829.	£.	s.	d.	£.	s.	d.	
RECEIPTS:							
BALANCE on 5th January 1828 - - - - -	-	-	-	46,595	5	8 <i>1</i> /	
Crown Rents and Casualties - - - - -	9,960	3	4 <i>1</i> /				
Compositions on Signatures - - - - -	1,062	5	5 <i>1</i> /				
New Subsidy of Customs - - - - -	42,609	14	6 <i>1</i> /				
Fines and Forfeitures of ditto - - - - -	1,940	-	-				
Hereditary Revenue of Excise, including Fines and Forfeitures - - - - -	17,008	9	7				
Interest received from the Bank - - - - -	1,114	2	8				
				73,694	15	7 <i>1</i> /	
RECEIPTS - - - - -				£.	120,290	1	3 <i>1</i> /
APPLICATION:							
King's Household and Officers on Civil Establishment - - - - -	11,207	17	6				
Pensions on the Civil List - - - - -	33,156	19	3				
His Majesty's Commissioner to General Assembly - - - - -	2,085	10	-				
Procurator to Church for Itinerant Preachers - - - - -	2,098	10	-				
Crown Agent for Criminal Prosecutions - - - - -	11,300	-	-				
Salary to Solicitor of Tithes - - - - -	100	-	-				
Agents before the Court of Session relative to Tithes - - - - -	1,188	3	-				
Agent for Officers of State - - - - -	250	3	3 <i>1</i> /				
Alex' Mundell, on account of Expenses of Appeal, Directors of Bible Societies against King's Printers - - - - -	200	-	-				
Repairs on Palace of Holyrood House - - - - -	8,069	18	9				
Annual Expense of Botanic Garden - - - - -	419	3	-				
Annual Expense of Edinburgh Museum - - - - -	100	-	-				
Salary to Chamberlain of Ettrick Forest - - - - -	431	10	1				
Coach-house and Stables to Barons of Exchequer - - - - -	48	-	-				
Alex' Mundell, for preparing Public Bills, and for Expense of Proceedings before House of Peers - - - - -	646	19	6				
King's Plate to be run for at Musselburgh - - - - -	105	-	-				
Ditto - for Royal Company of Archers - - - - -	20	-	-				
Ditto - to Caledonian Hunt - - - - -	105	-	-				
For Alms and Beedsmen's Gowns - - - - -	108	6	8				
Repayment of Composition on a Signature - - - - -	20	6	4				
Repayment of Penalty on Bail Bond - - - - -	6	10	6				
Expense of Mineralogical Survey of Scotland - - - - -	959	18	6				
Expenses of University Commission - - - - -	2,563	12	6				
Annual Allowance to Clerks in Chancery - - - - -	35	-	-				
Deputy Keeper of Regalia, Balance of his Accounts - - - - -	189	17	10				
To be applied for the benefit of the Scotch Episcopal Church - - - - -	1,208	17	6				
Repairs to Church Aisle for General Assembly - - - - -	69	19	3				
Expense of Investigations, &c. relative to King's Estate in Orkney - - - - -	169	5	9				
				76,864	9	2 <i>1</i> /	
BALANCE - - - - -				£.	43,425	12	- <i>10</i> / ₁
Of which,							
In the hands of Sir W. Forbes & Co. - - - - -	43,317	11	7 <i>1</i> /				
In the hands of the Receiver General - - - - -	108	-	5 <i>1</i> /				
				43,425	12	- <i>10</i> / ₁	

Appendix, No. 8.—Statement showing Amount of Hereditary Revenue in Scotland—continued.

YEAR from 5th January 1829 to 5th January 1830.	£.	s.	d.	£.	s.	d.
RECEIPTS:						
BALANCE on 5th January 1829	-	-	-	-	-	43,425 12 - 0/
Crown Rents and Casualties	8,217	16	10 1/			
Compositions on Signatures	748	17	3 3/			
New Subsidy of Customs	74,980	15	11			
Fines and Forfeitures of ditto	760	-	-			
Hereditary Revenue of Excise, including Fines and Forfeitures	22,856	12	4			
Interest received from the Bank	1,568	10	6			
				109,132	12	10 7/
RECEIPTS	-	-	-	£.	152,558	4 11 1/
APPLICATION:						
King's Household and Officers on the Civil Establishment	10,940	18	7			
Pensions on the Civil List	33,050	5	8			
His Majesty's Commissioner to General Assembly	2,085	10	-			
Procurator to Church for Itinerant Preachers	9,098	10	-			
Crown Agent for Criminal Prosecutions	11,300	-	-			
Salary to Solicitor of Tithes	100	-	-			
Agents before the Court of Session relative to Tithes	998	16	2 2/			
Agent for Officers of State	495	7	2 2/			
Alex' Mundell, Esq. Expenses of Appeal, the Directors of Bible Societies against King's Priates	169	6	2			
Ditto, for preparing Public Bills, and Expense of Proceedings before the House of Peers	648	15	6			
Repairs on the Palace of Holyrood House	4,010	10	-			
Annual Expense of Botanic Garden	419	3	-			
Ditto of Edinburgh Museum	100	-	-			
Salary to Chamberlain of Ettrick Forest	300	-	-			
Coach-house and Stables to Barons of Exchequer	48	-	-			
King's Plate to be run for at Musselburgh	105	-	-			
Ditto for Royal Company of Archers	20	-	-			
Ditto to Caledonian Hunt	105	-	-			
For Alms and Beadsman's Gowns	108	6	8			
Repayment of Penalty on Bail Bond	50	-	-			
For restoring and embellishing the external walls of St. Giles's Cathedral, and Fees at Treasury, &c.	2,010	17	6			
Expense of Mineralogical Survey of Scotland	3,124	9	7 1/			
Annual Allowance to Clerks in Chancery	35	-	-			
Deputy Keeper of the Regalia of Scotland, Balance of Accounts	120	2	7			
Grant for the benefit of the Daughters of Scottish Clergy	1,000	-	-			
Stipend to Minister of Kirkliston	5	11	7 1/			
Repairs on Windows of the Cathedral of Glasgow	44	8	-			
Three-fifths of the Contingent Expenses of the Office of Works in Scotland, from January 1827 to January 1829	92	4	5			
				73,586	2	9 7/
BALANCE	-	-	-	£.	78,972	2 2 2/
Of which,						
In the hands of Sir W. Forbes & Co.	78,868	8	11 1/			
In the hands of the Receiver General	103	13	2 1/			
				78,972	2	2 2/

Receiver General's Office, Edinburgh,
31 July 1830.

W= Grig,
Deputy Rec. General for Scotland.

R E P O R T

ON

EXPIRED AND EXPIRING

L A W S.

26 January 1832.

R E P O R T

FROM THE

C O M M I T T E E

UPON

EXPIRED and EXPIRING LAWS:

FOR THE

II^D Session—XTH Parliament of the United Kingdom of
GREAT BRITAIN and IRELAND.

(2 WILL. IV. 1831.)

Ordered. by The House of Commons, to be Printed,
26 January 1832.

T H E C O M M I T T E E appointed to enquire what **TEMPORARY LAWS** of a Public and General Nature, made by the Parliaments of England, or Great Britain, or Ireland, or of The United Kingdom, **ARE NOW IN FORCE**; and what Laws, of the like nature, passed by the English, British, Irish, or United Parliaments, **HAVE EXPIRED**, between the First day of the Second Session of Parliament, holden in the First Year of His present Majesty's Reign, and the First day of the present Session; and also what Laws, of the like nature, **ARE ABOUT TO EXPIRE**, in the Course, or at the End, of the present Session, or on or before the First day of August 1833; or in the Course, or at the End, of any Session referring to that period; or in consequence of any Contingent Public Event; and to report the same, with their Observations thereupon, to The House: And who were instructed to report their Opinion, from time to time, to The House, which of the said Laws are fit to be revived, continued, or made perpetual:—

HAVE proceeded to an Examination of the Matters referred to them: And beg leave to present to The House;

First: A detailed **STATEMENT** or **REGISTER** of all the **TEMPORARY LAWS**, of a Public and General Nature, now in force; which have been enacted by the **PARLIAMENTS** of **ENGLAND**, or **GREAT BRITAIN**, or **IRELAND**, or of **The UNITED KINGDOM**, from the Commencement of the Reign of King **WILLIAM** the Third, to the 20th day of October 1831, being the last day of the last Session of Parliament; specifying the Matter, Date, Chapter and Title, of each of the original Acts, and the Dates and Chapters of the respective subsidiary Acts by which they have been either amended or continued.—In drawing up this Statement or Register, They have proceeded, by continuing the Enumeration of Laws contained in the Report of the Committee on Expired and Expiring Laws, ordered to be printed on the 8th day of November 1830, and adding thereto such Temporary Laws as have since been passed, and are now in force; and also, by making such Alterations therein, as have been rendered necessary by other Laws which were passed during the last Two Sessions.

Secondly: Your Committee have drawn up an Enumeration of all the Public General Laws, of a Temporary Nature, which **HAVE EXPIRED** between the 26th day of October 1830, being the First day

of the Second Session of Parliament holden in the First Year of His present Majesty's Reign, and the 6th day of December 1831, being the First day of the present Session : Omitting only such Annual and other Acts as have been replaced by subsequent Acts now in force.

Thirdly : Your Committee have drawn up an Enumeration of all the Public General Laws which are ABOUT TO EXPIRE, in the Course, or at the End, of the present Session, or on or before the first day of August 1833, or in the Course, or at the End, of any Session referring to that Period : and They have arranged this Enumeration chronologically, according to the Dates at which they will expire respectively.

Fourthly : Your Committee have drawn up an Enumeration of Laws, the Duration whereof depends on PUBLIC CONTINGENCIES. In this List they have not thought it necessary to include several, which, though of a Temporary and Contingent Duration, do not seem to require any special Notice ; namely, such as have been made for the Funding of particular Loans, or for granting Personal Annuities, &c. &c.

To the Whole, Your Committee have subjoined an ALPHABETICAL TABLE of the Matters of the several Acts enumerated in their Report.

26 January 1832.
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I.—REGISTER of TEMPORARY LAWS, now in force,
including those of the Parliament of Ireland, from the
Commencement of the Reign of King WILLIAM III.
to the 6th day of December 1831; the First day of the
present Session 2 WILLIAM IV.

- (A.) Of the ENGLISH and BRITISH PARLIAMENTS; to The Union of Great
Britain and Ireland - - - - - pages 9—11
(B.) Of the IRISH PARLIAMENT; to The Union - - - - - 12
(C.) Of the UNITED PARLIAMENT - - - - - 13—25

II.—LIST of EXPIRED LAWS; viz.

Between 26th October 1830 and 6th December 1831 - - - - - 26, 27

III.—LIST of EXPIRING LAWS; viz.

AT the END of the PRESENT SESSION - - - - - 28
AFTER 6th December 1831, and on or before 1st August 1833, &c. - - 29, 30

IV.—LIST of LAWS, whereof the Duration depends}
on Public Contingencies - - - - - } 31, 32

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I.

REGISTER OF TEMPORARY LAWS NOW IN FORCE.

(A.) ACTS OF THE ENGLISH AND BRITISH PARLIAMENTS :

FROM THE COMMENCEMENT OF THE REIGN OF KING WILLIAM III. TO
THE UNION OF GREAT BRITAIN AND IRELAND.

<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>Title of the Act.</i>	<i>Duration.</i>
1. BANK of ENGLAND.	5, 6 W.&M. 8, 9 W. 3. 9, 10 W. 3. 10 Geo. 4.	20 § 20. 21. 20 § 26. 27, 28. 44 § 75. N. B. This Corporation further continued by successive Loan Acts down to	For granting to their Majesties several rates and duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors ; for securing certain recompences and advantages, in the said Act mentioned, to such persons as shall voluntarily advance the sum of £. 1,500,000. towards the carrying on the war against France. See also 6 Ann. c. 22. &c. (N° 3.)	Till Redemption of all Bank Annuities created by Parliament.
2. EAST INDIA COMPANY.	9, 10 W. 3. 6 Ann. 10 Ann. 3 Geo. 2. 17 - - 13 Geo. 3. 19 - - 20 - - 21 - - 33 - - 53 - - 54 - -	44. continued and extended by 17. 28. 14. 17. 64. 61. 56. 65. 52. 155. 34.	For raising a sum, not exceeding Two Millions, upon a fund for payment of Annuities after the rate of eight pounds per centum per annum, and for settling the trade to the East Indies. N. B.—See also the following Acts relating to the East India Company ; viz.—7 Geo. 1. st. 1. c. 5. § 32, 33 ; 7 Geo. 3. c. 50 ; 10 Geo. 3. c. 47 ; 23 Geo. 3. c. 22 ; 26 Geo. 3. c. 62 ; 28 Geo. 3. c. 29 ; 29 Geo. 3. c. 65 ; 31 Geo. 3. c. 11 ; 33 Geo. 3. c. 47 ; 34 Geo. 3. c. 41 ; 37 Geo. 3. c. 31 ; 44 Geo. 3. c. 3 ; 47 Geo. 3. st. 2. c. 41 ; 51 Geo. 3. c. 64 ; & 52 Geo. 3. c. 121 ; as to the Interest on, and increase of, their Capital Stock and Bond Debt :—7 Geo. 3. c. 57 ; 9 Geo. 3. c. 24 ; 23 Geo. 3. cc. 36, 83 ; 24 Geo. 3. c. 34 ; 50 Geo. 3. c. 114 ; 52 Geo. 3. cc. 10, 135 ; and 3 Geo. 4. c. 93 ; as to Payments by the Company, and relief or advances to the Company :—7 Geo. 3. c. 50 ; 10 Geo. 3. c. 47 ; 13 Geo. 3. c. 63 ; 17 Geo. 3. c. 8 ; 21 Geo. 3. c. 70 ; 26 Geo. 3. c. 25 ; 27 Geo. 3. c. 48 ; 33 Geo. 3. c. 52 ; 36 Geo. 3. cc. 119, 127 ; 37 Geo. 3. c. 142 ; 39 Geo. 3. c. 59 ; 39 & 40 Geo. 3. cc. 59, 79 ; 41 Geo. 3. (U. K.) c. 21 ; 42 Geo. 3. c. 29 ; 45 Geo. 3. c. 36 ; 47 Geo. 3. st. 2. c. 68 ; 51 Geo. 3. c. 75 ; 53 Geo. 3. c. 155 ; 55 Geo. 3. cc. 64, 84 ; 4 Geo. 4. c. 71 ; 5 Geo. 4. c. 108 ; 6 Geo. 4. c. 85 ; 7 Geo. 4. c. 56 ; 10 Geo. 4. c. 15 ; for Regulating the affairs of the Company in India and Europe :—24 Geo. 3. st. 2. c. 25 ; 26 Geo. 3. c. 57 ; 28 Geo. 3. c. 8 ; 31 Geo. 3. c. 10 ; for erecting the Board of Controul, &c.—28 Geo. 3. c. 8 ; 31 Geo. 3. c. 10 ; 33 Geo. 3. c. 52 ; 37 Geo. 3. c. 74 ; 39 Geo. 3. c. 109 ; 43 Geo. 3. c. 48 ; 50 Geo. 3. c. 87 ; 52 Geo. 3. c. 122 ; 53 Geo. 3. c. 155 ; 1 Geo. 4. c. 99 ; 4 Geo. 4. cc. 71, 81 ; 6 Geo. 4. c. 61 ; 7 Geo. 4. c. 52 ; relating to the military and naval forces and volunteers in the Company's pay :—6 An. c. 3 ; 7 Geo. 1. st. 1. c. 21. § 9 ; 33 Geo. 3. c. 52 ; 37 Geo. 3. c. 117 ; 42 Geo. 3. c. 77 ; 48 Geo. 3. c. 30 ; 53 Geo. 3. c. 155 ; 54 Geo. 3. c. 34 ; 57 Geo. 3. cc. 36, 95 ; 1, 2 Geo. 4. c. 65 ; 4 Geo. 4. c. 80 ; 5 Geo. 4. c. 88 ; 7 Geo. 4. c. 56 ; as to their Exclusive trade, and the Permitted trade of individuals :—12 Geo. 3. c. 54 ; 43 Geo. 3. cc. 63, 137 ; 46 Geo. 3. c. 85 ; 55 Geo. 3. c. 116 ; 57 Geo. 3. c. 120 ; 58 Geo. 3. c. 83 ; 4 Geo. 4. c. 80 ; as to their Shipping :—54 Geo. 3. c. 36, (in part repealed by 6 Geo. 4. c. 105;) 54 Geo. 3. c. 103 ; 4 Geo. 4. c. 72 ; as to Regulations for payment, &c. of customs duties on East India goods :—9 Geo. 4. c. 73. as to Insolvents ; and c. 74. as to Administration of Criminal Justice in the East Indies.	Till Expiration of three Years' Notice to be given after 10 April - - 1831 [53 Geo. 3. c. 155. § 3.]

(A.) ACTS OF THE ENGLISH AND BRITISH PARLIAMENTS—continued.				
Matter.	Date.	Ch.	Title of the Act.	Duration.
3. BANK of ENGLAND Continuance; and OTHER BANKERS LIMITED IN NUMBER; &c.	6 Ann. 7 - - 12 - - 15 Geo. 2. 4 Geo. 3. 21 - - 39, 40 7 Geo. 4.	22. § 9. 7 § 5. 6. 7. 61. 11 § 23. 24. 25. 13 § 3. 4. 5. 25 § 12. 13. 14. 60 § 11. 12. 28 § 14. 15. 46.	For continuing several duties, &c. and for securing the credit of the Bank of England, &c. &c. [§ 9. of 6 Ann. restricts the number of Partners to Six in all other Banks in England issuing Notes on demand, &c. during the continuance of the Bank of England Corporation. The period of that continuance, and of the restriction on other Banks, is enlarged by the subsequent Acts. The original continuance under 5, 6 W. & M. c. 20. was until 12 months' notice after 1 Aug. 1705; enlarged to 1710, by 8, 9 W. & M. c. 20. (see ante N° 1.) and afterwards by 7 Ann, and the subsequent Acts, to 1732, 1742, 1764, 1786, 1812, and finally by 39, 40 Geo. 3. to 1833. By 7 Geo. 4. c. 46. Banking Partnerships of more than Six in number, are allowed to issue Notes on demand, &c. at any distance not less than 65 miles from London. See 56 Geo. 3. c. 96. (post N° 17.) as to the receipt of Bank of England Notes in payment of the Public Revenue.]	Determinable upon 12 Months' Notice after 1 August, & Repayment, &c. 1833
4. ROYAL FAMILY.	18 Geo. 3. and see 46 - - 47 - - st. 1.] 52 - - 1 Geo. 4. 1 Will IV. Ses. 2.	31. 145. 39. 57. 108. 25. § 9. 11.	For enabling his Majesty to settle on their Royal Highnesses the Princes [Frederick Bishop of Osnaburgh, (*)] [William Henry, (*)] [Edward, (*)] Ernest Augustus, Augustus Frederick, and Adolphus Frederick, an Annuity of Sixty thousand Pounds per annum; (4) and also to settle on their Royal Highnesses the Princesses [Charlotte Augusta Matilda, (*)] Augusta Sophia, Elizabeth, Mary, and Sophia, one other Annuity of Thirty thousand Pounds per annum; and also to settle on his Highness Prince William Frederick, one other Annuity of Eight thousand Pounds per annum; and on her Highness the Princess Sophia Matilda, one other Annuity of Four thousand Pounds per annum. N.B.—By 39 Geo. 3. c. 30. his Majesty was enabled to settle on her Royal Highness Princess Amelia, part of the said Annuity of £.30,000.—The Princess died 2d Nov. 1810. By 52 Geo. 3. c. 57. the annuity to the Princesses is increased to £.36,000. (*) Prince Frederick Duke of York, deceased 5 January 1827. (*) His present Majesty King William IV.; this has ceased; (see stat. 1 Will. IV. st. 2. c. 25. § 9.) (*) Prince Edward, Duke of Kent, deceased 23 January 1820. (*) This Annuity of £.60,000 was, by § 2 of 1 Geo. 4. c. 108, charged on the Consolidated Fund during the life of his Majesty King George IV.; and by stat. 1 Will. IV. st. 2. c. 25. § 11, the Annuities of £. 15,000 each, payable to the three Princes (the Dukes of Cumberland, Sussex, and Cambridge), are charged on that Fund, during their respective lives. [For further Grants, see post N° 12, 16, 18, 19, 21, 25, 35, 69. 73. (*) Princess Charlotte Augusta Matilda, Queen of Württemberg, deceased 6 Oct. 1828.	The respective Lives of the Grantees.

(A.) ACTS OF THE ENGLISH AND BRITISH PARLIAMENTS—continued.

Matter.	Date.	Ch.	When passed.*	Title of the Act.	Duration.
5. ANNUITIES.	29 Geo. 3. amended 30 - -	41. 45.		For raising a certain sum of Money, by way of Annuities, to be attended with the benefit of survivorship, in classes. [By the Act 30 Geo. 3. these Annuities are converted into annuities for 69 years and $\frac{1}{2}$ from 10th October 1790.]	5 January 1860
6. EAST INDIA COMPANY. (Friendly Ships.)	37 Geo. 3.	117.	19 July 1797.	The Date of passing appears on the face of all British Acts passed after 8th April 1793, in pursuance of the directions in the British Act 33 Geo. 3. c. 13.— But it does not appear on the Irish Acts, as printed, until 39 Geo. 3. though the Regulation of the British Act 33 Geo. 3. c. 13, was enacted in Ireland by 35 Geo. 3. (I.) c. 12. For regulating the Trade to be carried on with the British Possessions in India, by the ships of Nations in amity with His Majesty.	Continuance of the East India Company's Trade & Territorial Rights. (See N° 2.)
7. MILITIA, ENGLISH. ALLOWANCES to DISEMBODIED ADJUTANTS, &c.	39 & 40 Geo. 3. revived and continued 41 (U.K.) revived, continued and amended, by Annual Militia Acts ; The last, 1, 2 W. IV.	44. 55.	30 May 1800. 23 Aug. 1831. § 23, 24.	For granting, [until, &c.] certain Allowances to Adjutants, Serjeant Majors, and Serjeants of Militia, disembodied under an Act of this Session of Parliament, intituled, "An Act for enabling his Majesty to accept the services of an additional number of Volunteers from the Militia, under certain restrictions."	30 June 1832

(B.) ACTS OF THE IRISH PARLIAMENT,

PASSED BEFORE THE UNION OF GREAT BRITAIN AND IRELAND.

<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>Title of the Act.</i>	<i>Duration.</i>
8. BANK of IRELAND.	21, 22 G. 3. 31 - - 37 - - 48 - - 1, 2 G. 4. 3 Geo. 4.	16. amended by 22. 50. 103. 72. 26.	For establishing a Bank, by the name of The Governor and Company of the Bank of Ireland. By 3 Geo. 4. c. 26. the Loan of £. 1,250,000 from the Bank to Government under the Act 48 Geo. 3. c. 103. is to be repaid on - - - - - And the rate of Interest thereon is reduced to 4 per cent. See post, N° 27.	After 1 January 1837 on previous Notice to the Bank, and Redemption by Government. 1 January 1838
9. DUBLIN WIDE STREETS, and COAL TRADE.	21, 22 G. 3. 23, 24 - 30 - - 49 - - 51 - -	17. amended and continued by 31. amended 19. continued 72. 10. 11.	For the Improvement of the City of Dublin, by making wide and convenient Passages through the same ; and for regulating the Coal Trade thereof. * By 51 Geo. 3. c. 10, as to improvement of Dublin. * By 51 Geo. 3. c. 11, as to Coal Trade. See 36 Geo. 3. c. 54—40 Geo. 3. c. 61.	* 25 March 1833 * 25 March 1832

(C.) ACTS OF THE UNITED PARLIAMENT;

SUBSEQUENT TO 1ST JANUARY 1801:

THE COMMENCEMENT OF

THE UNION OF GREAT BRITAIN AND IRELAND.

Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.
10. ANNUITIES.	43 Geo. 3.	67.	24 June 1803.	For raising the sum of Twelve Millions, by way of Annuities.	56 Years and 9 Months from 5 April 1803; i. e. 5 January 1860
11. YEOMANRY. (Ireland.)	43 Geo. 3.	121.	11 Aug. 1803.	For authorizing the billeting of such troops of Yeomanry [and Volunteer] Cavalry as may be desirous of assem- bling for the purpose of being trained together in [Great Britain and] Ire- land; and for subjecting to military discipline, during the war, such ser- jeants serving in any [Volunteer or] Yeomanry Corps of Cavalry or Infan- try, as receive constant pay, and all trumpeters, drummers, or bugle-men serving therein, and receiving pay at any daily or weekly rate; and for the further regulating of such Yeomanry [and Volunteer] Corps.	1 June and END of then NEXT SESSION. 1834
	54 - -	178.			
	56 - -	72.			
	58 - -	40.			
	1 Geo. 4.	48.			
	4 Geo. 4.	15.			
	10 Geo. 4.	30.	1 June 1829.	This Act is repealed with respect to Volunteers in <i>Great Britain</i> by 44 G. 3. c. 54. a perma- nent Act; amended by 56 G. 3. c. 39. and 7 Geo. 4. c. 58.	
	46 Geo. 3.	145.	22 July 1806.	For enabling his Majesty to settle An- nuities on certain Branches of the Royal Family. ¹	
12. ROYAL FAMILY.	amended			¹ Viz. Dukes of [Clarence, ²] [Kent, ²] Cumber- land, Sussex, and Cambridge, [Princess Charlotte of Wales, ²] [Duchess Dowager of Gloucester, ²] Duke of Gloucester, and Princess Sophia of Gloucester.	During the Lives of the Grantees.
	47 (st. 1.)	39.	9 April 1807.	² His present Majesty King William IV. This has ceased, see 1 Will. IV. st. 2. c. 25. § 9. ³ Expired as to these Grantees by their decease.	

(C.)

ACTS OF THE UNITED PARLIAMENT—*continued.*

<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>When passed.</i>	<i>Title of the Act.</i>	<i>Duration.</i>
18. ROYAL FAMILY.	58 Geo. 3.	24.	8 May 1818.	For enabling his Majesty [to make further Provision for his Royal Highness the Duke of Cambridge; and ¹] to settle an Annuity on the Princess of Hesse, in case she shall survive his said Royal Highness ² .	*The Princess's Life.
				¹ As to the Duke, see now 1 Geo. 4. c. 108. post, N° 25.	
19. ROYAL FAMILY.	58 Geo. 3.	25.	8 May 1818.	For enabling his Majesty to settle an Annuity on her Royal Highness the Duchess of Cumberland, in case of her surviving his Royal Highness the Duke of Cumberland.	Life of the Duchess.
20. CHURCHES.	58 Geo. 3. amended 59 Geo. 3. 3 Geo. 4. 5 Geo. 4. 7, 8 G. 4. 1, 2 W. 4.	45. 134. 72. 103. and continued 72. amended 38.	30 May 1818. 2 July 1827. 15 Oct. 1831.	For building, and promoting the building, of Additional Churches in populous Parishes. By § 8 of 58 Geo. 3. c. 45. the duration of the Commissions granted to the Commissioners for executing the Acts, unless revoked by the King, was limited to 10 years. By § 1 of 7, 8 Geo. 4. c. 72, the duration is extended to 10 years more.	20 July 1838
21. ROYAL FAMILY.	58 Geo. 3.	53.	30 May 1818.	For enabling his Majesty [to make further Provision for his Royal Highness the Duke of Kent, and ¹] to settle an Annuity on the Princess of Leiningen, in case she shall survive his said Royal Highness ² .	*The Princess's Life.
				¹ Expired, as to the Duke, by the decease of his Royal Highness. See as to the Princess Alexandrina Victoria of Kent, post, N° 73.	

(C.) ACTS OF THE UNITED PARLIAMENT—continued.					
Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.
27. BANK of IRELAND.	1, 2 G. 4.	72. *	2 July 1821.	To establish an agreement with the Governor and Company of the Bank of Ireland, for advancing the sum of £. 500,000 (I. C.) and to enable the said Governor and Company to enlarge the Capital Stock or Fund of the said Bank to £. 3,000,000. * § 2. Time of repayment to the Bank by Government; (and see 3 Geo. 4. c. 26. <i>ante</i> , N° 8.)	1 January 1838
28. LAGAN NAVIGATION, (Spirits.)	1, 2 G. 4.	96.	10 July 1821.	For charging a Duty on British Spirits brought into certain parts of the district of Lisburne, in Ireland. * 27 Geo. 2 (I.) c. 3 : 54 Geo. 3. c. 231 (local.)	25 Dec. During continuance of the Lagan Navigation Acts.* 1835
29. POLICE OFFICES.	3 Geo. 4. amended 6 Geo. 4. continued & amended 10 G. 4.	55. 21. 45.	5 July 1822. 20 May 1825. 19 June 1829.	For the more effectual administration of the office of a Justice of the Peace in and near the Metropolis, and for the more effectual prevention of Depredations on the River Thames and its vicinity, for seven years.	5 July and END of then NEXT SESSION. 1832
30. LONDON BRIDGE.	4 Geo. 4. amended 7 Geo. 4.	50. 40.	4 July 1823. 5 May 1826.	For the rebuilding of London Bridge, and for improving and making suitable approaches thereto. § 23. Powers of the Corporation of London, for purchasing wharfs, houses, &c. § 106. Powers of the Act; if Bridge not completed for passage of horses and carriages -	4 July 1833
31. HIGHLAND ROADS and BRIDGES, (Scotland.)	4 Geo. 4. amended 5 Geo. 4.	56. 38.	8 July 1823. 17 May 1824.	For maintaining in repair the Military and Parliamentary Roads and Bridges in the Highlands of Scotland; and also certain Ferry Piers and Shipping Quays erected by the Commissioners for Highland Roads and Bridges. The Act 5 Geo. 4. also amends 59 Geo. 3. c. 135, a permanent Act, for the Repair of other Roads, &c. in Scotland.	8 July and END of then NEXT SESSION. 1844
32. NEW- FOUNDLAND FISHERIES.	5 Geo. 4. continued 10 G. 4.	51. 17.	3 June 1824. 14 May 1829.	To repeal several Laws relating to the Fisheries carried on upon the Banks and Shores of Newfoundland, and to make provision for the better conduct of the said Fisheries.	31 December 1832

(C.) ACTS OF THE UNITED PARLIAMENT—continued.					
Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.
33. NEW- FOUNDLAND, (Judicature.)	5 Geo. 4. continued 10 G. 4.	67. 17.	17 June 1824. 14 May 1829.	For the better administration of Justice in Newfoundland; and for other purposes.	31 December 1832
34. NEW- FOUNDLAND, (Marriages.)	5 Geo. 4. continued 10 G. 4.	68. 17.	17 June 1824. 14 May 1829.	To repeal an Act [57 Geo. 3. c. 51.] to regulate the Celebration of Marriages in Newfoundland; and to make further Provisions for the Celebration of Marriages in the said Colony and its Dependencies.	31 December 1832
35. ROYAL FAMILY.	6 Geo. 4.	71.	22 June 1825.	To enable His Majesty to grant an annual Sum to his Royal Highness Ernest Augustus Duke of Cumberland, for the purpose of enabling his said Royal Highness to provide for the Support and Education of his Highness Prince George Frederick Alexander Charles Ernest Augustus of Cumberland.	Until the Prince shall attain 18 years of age, i. e. 27 May 1837
36. CUSTOMS DUTIES.	6 Geo. 4. amended 7 Geo. 4. § 28-35, & Table. 7, 8 G. 4. § 21-25. 9 Geo. 4. § 10-13, & Table. 10 Geo. 4. 43. § 14-16, & Table. 1 Will. IV. 45. 46. 1, 2 W. IV. 16. 30. 46.	111. 48. 56. 76. 23. 19 June 1829. 16 July 1830. 23 Aug. 1831. 5 Oct. 1831. 15 Oct. 1831.	5 July 1825. 26 May 1826. 2 July 1827. 25 July 1828. 22 May 1829. 19 June 1829. 16 July 1830. 23 Aug. 1831. 5 Oct. 1831. 15 Oct. 1831.	For granting Duties of Customs. Stat. 6 Geo. 4. c. 111. § 10. declares Flax, Wood for Ship-building, Bark (or other solid Vegetable Extract for tanning) the produce of New South Wales, &c. and imported direct, Duty free until - - - - - SCHEDULE Inwards: Extract of Oak Bark from New South Wales; Duty free until - - - - - Linen—Gradual decrease of Duties until - - - - - 7 Geo. 4. c. 48. § 35. Table of Duties: Hemp for New Zealand; free until - - - - - By 10 Geo. 4. c. 23. (a permanent Act) the Duties and Drawbacks on Silk and Silk Goods are altered. By 1 Will. IV. c. 45. Goods the property of the Crown, sold after Importation, are chargeable with Duties. By c. 48. a Duty is granted on Spirits of the British Plantations. Sugar, see Annual Duties, post, N° 53. By 1, 2 Will. IV. c. 16. the Duties on Coals and Slates are repealed, and the Duties on Cotton, Wool, Barilla and Flax altered. By c. 30. the Duties on Wine are equalized. By c. 46. the Importation of Lumber, Fish and Provisions into Barbadoes and St. Vincent's is permitted Duty free until - - - - - And may be continued by Order of Council until - - - - -	1 January 1833 1 January 1833 1 January 1834 1 January 1833 1 January 1833 1 January 1833 1 January 1833 1 January 1833 1 March } 1 March }

(C.)

ACTS OF THE UNITED PARLIAMENT—*continued.*

<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>When passed.</i>	<i>Title of the Act.</i>	<i>Duration.</i>	
37. CUSTOMS, (Bounties.)	6 Geo. 4. 7 Geo. 4. 9 Geo. 4. 1 Will. IV.	113. 48. 76. 50.	amended § 42. § 16. § 3.	5 July 1825. 26 May 1826. 25 July 1828. 16 July 1830.	To grant certain Bounties and Allowances of Customs. Linen.—See 9 Geo. 4. c. 76. § 16. Half the original Bounties continued; until — Sugar, refined; Nine-tenth parts of these Bounties on Sugar were continued by 7 Geo. 4. c. 48, § 42. the Duty on Raw Sugar having been reduced from 1 <i>l.</i> 10 <i>s.</i> to 1 <i>l.</i> 7 <i>s.</i> per cwt. And by 1 Will. IV. c. 50. § 3. eight-tenth parts of the Bounty are continued, the Duty being reduced to 1 <i>l.</i> 4 <i>s.</i>	5 January 1832 During continuance of Duties on Sugar.
38. TRADE of British Possessions Abroad.	6 Geo. 4. 1 Will. IV. stat. 2.	114. 24.	amended 29 April 1831.	5 July 1825. § 6. of 6 Geo. 4. c. 114. Foreign Shipping By § 5. of 1 Will. IV. stat. 2. c. 24. additional Duties are granted on Staves, &c. until —	24 June 1832 1 January 1836	
39. AMERICAN Trade, &c.	7 Geo. 4.	5.	22 Mar. 1826.	To give effect to Treaties of Commerce with Countries in America not at present provided with National Merchant Shipping.	Seven Years after Date of respective Treaties.	
40. EAST INDIA WRITERS.	7 Geo. 4. 10 Geo. 4.	56. 16.	continued § 1.	26 May 1826. 14 May 1829.	To suspend the Provisions of an Act of his late Majesty (53 Geo. 3. c. 155.) respecting the appointment of Writers in the Service of the East India Company, &c. § 1. 2. of 7 Geo. 4. c. 56, are by 10 Geo. 4. c. 16. § 1. continued until — Both the Acts contain provisions relating to other matters not temporary.	10 April 1834
41. INSOLVENTS, (England.)	7 Geo. 4. 1 Will. IV.	57. 38.	26 May (see § 91) continued & amended 16 July 1830.	To amend and consolidate the Laws for the Relief of Insolvent Debtors in England.	16 July and END of then NEXT SESSION.	1832
42. LUNATICS.	9 Geo. 4. 10 G. 4.	41. 18.	amended 14 May 1829.	15 July 1828. To regulate the care and treatment of Insane Persons in England.	END of this PRESENT SESSION. 2 WILL. IV.	

REPORT FROM THE COMMITTEE UPON

[I. Register of

(C.) ACTS OF THE UNITED PARLIAMENT— <i>continued.</i>					
Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.
43. LINEN MANUFACTURES, (Ireland.)	9 Geo. 4.	62.	15 July 1828.	For the Regulation of the Linen and Hempen Manufactures of Ireland.	END of this PRESENT SESSION. 2 WILL IV.
44. INSOLVENTS, EAST INDIES.	9 Geo. 4.	73.	19 July 1828.	To provide for the Relief of Insolvent Debtors in the East Indies; until - - -	1 January 1833
45. NEW SOUTH WALES, &c.	9 Geo. 4.	83.	25 July 1828.	To provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other purposes relating thereto.	31 December and END of then NEXT SESSION.
46. CANADA, Welland Canal.	9 Geo. 4.	91.	25 July 1828.	To authorize the advance of a certain Sum out of the Consolidated Fund, for the completion of the Welland Canal Navigation in Upper Canada. (To be re-paid in 10 Years.)	25 July 1838
47. AUSTRALIA, NEW HOLLAND.	10 Geo. 4.	22.	14 May 1829.	To provide for the Government of His Majesty's Settlements in Western Australia, on the Western Coast of New Holland.	31 December and END of then NEXT SESSION.
48. FRIENDLY SOCIETIES.	10 Geo. 4.	56. *	19 June 1829.	To consolidate and amend the Laws relating to Friendly Societies. * § 40, as to Continuance of former Acts; and Societies established under them.	19 June 1832
49. ANNUITIES.	11 G. 4.	13.	3 May 1830.	For transferring certain Annuities of £.4 per cent. per annum into Annuities of £.3. 10s. or £.5 per cent. per annum. § 1. The New £.3. 10s. per cents per annum are not redeemable until after - - - § 2. The New £.5 per cents after - - -	5 January 1840 5 January 1873

(C.) ACTS OF THE UNITED PARLIAMENT—continued.					
Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.
50. POPULATION.	11 Geo. 4.	30.	23 June 1830.	For taking an Account of the Population of Great Britain, and of the Increase or Diminution thereof. § 9. Abstract to be prepared and laid before Parliament before - - - - - If Parliament not then sitting, then within the first fourteen days of the next Session.	1 June 1832
51. NOVA SCOTIA (Canal.)	1 Will. 4.	34.	16 July 1830.	To authorize the advance of a certain Sum out of the Consolidated Fund for the completion of the Shubenacadie Canal in Nova Scotia. § 1. To be repaid in ten years - - - - -	16 July 1840
52. ARMS, Importation, &c. (Ireland.)	1 Will. 4.	44.	16 July 1830.	To regulate the Importation of Arms, Gunpowder and Ammunition into Ireland; and the making, removing, selling and keeping of Arms, Gunpowder and Ammunition in Ireland.	END of this PRESENT SESSION. 2 Will. IV.
53. ANNUAL DUTIES, (Sugar.)	1 Will. 4. Stat. 2.	23.	30 Mar. 1831.	For granting to His Majesty, until the 5th day of April 1832, certain Duties on Sugar imported into the United Kingdom. This Act, § 1. continues the Duties granted by 1 Will. 4. c. 50.	5 April 1832
54. BEER, &c. Hereditary Duties.	1 Will. 4.	51.	16 July 1830.	To Repeal certain of the Duties on Cyder in the United Kingdom, and upon Beer and Ale in Great Britain, and to make other Provisions in relation thereto. § 5. Annual Payments to His Majesty in lieu of Hereditary Duties on Beer, Ale and Cyder.	Life of THE KING.
55. FISHERIES, (Ireland.)	1 Will. 4.	54.	16 July 1830.	To revive, continue and amend several Acts relating to the Fisheries. § 8. Lord Lieutenant of Ireland may direct the issue of certain Sums; for completing Piers, &c. and paying Officers, in Ireland, during five years, to - - - - -	5 April 1835

REPORT FROM THE COMMITTEE UPON

[I. Register of

(C.) ACTS OF THE UNITED PARLIAMENT— <i>continued.</i>					
Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.
56. ROYAL FAMILY. REGENCY.	1 Will. 4. Stat. 2.	2.	23 Dec. 1830.	To provide for the Administration of the Government, in case the Crown shall descend to Her Royal Highness the Princess Alexandrina Victoria, Daughter of his late Royal Highness the Duke of Kent, being under the age of Eighteen Years; and for the care and guardianship of her Person. [The duration of this Act depends also on the Birth of Issue of His Majesty by The Queen.]	Life of THE PRINCESS until 24 May 1837.
57. ANNUAL DUTIES, (Personal Estates.)	1 Will. 4. Stat. 2.	12.	11 Mar. 1831.	For continuing to His Majesty for one year certain Duties on Personal Estates, Offices and Pensions in England; for the service of the Year 1831.	25 March 1832
58. MUTINY ACT, (Marines.)	1 Will. 4. Stat. 2.	14.	15 March 1831.	For the regulation of His Majesty's Royal Marine Forces while on shore. Continuance : In Great Britain - - - - - - Ireland - - - - - - Gibraltar, Spain and Portugal - - - - Elsewhere in Europe, and the West Indies, North America, and Cape of Good Hope - - - - Elsewhere - - -	25 March 1 April 25 May 25 July 25 Sept. 1832
59. MUTINY ACT, (Army.)	1 Will. 4. Stat. 2.	15.	15 Mar. 1831.	For punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters. Continuance: In Great Britain - - - - - - Ireland, Jersey, &c. - - - - - - Gibraltar, Spain and Portugal - - - - Elsewhere in Europe, and in the West Indies and America - - - - Cape of Good Hope, Isle of France, St. Helena, and West Coast of Africa - - - - - - Elsewhere - - -	25 March 1 April 1 July 1 August 1 Nov. 1 Dec. 1832 1833
60. CALICOES, Irish.	1 Will. 4. Stat. 2.	17.	15 March 1831.	To repeal the Duties and Drawbacks on printed Calicoes, Linens and Stuffs § 5. As to Certificate of Manufacturers of Irish printed Calicoes, &c. imported into Great Britain.	1 June 1832
61. THE KING. 'Civil List. Hereditary Revenue.'	1 Will. 4. Stat. 2.	25.	23 April 1831.	For the Support of His Majesty's Household, and of the honour and dignity of the Crown of the United Kingdom of Great Britain and Ireland.	Life of His present MAJESTY, King William IV.

(C.) ACTS OF THE UNITED PARLIAMENT— <i>continued.</i>					
Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.
62. INDEMNITY OFFICES, &c.	1 Will. 4. Stat. 2.	26.	22 April 1831.	To indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those purposes respectively, until — — — — — And to permit such Persons in Great Britain, as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attorneys and Solicitors, to make and file the same on or before — — — — —	25 March 1832 The first day of Hilary Term 11 January 1832
63. GRANTS OF OFFICES, &c. (Ireland.)	1, 2 W. 4.	2.	11 July 1831.	To revive and continue expired Commissions, Appointments, Patents and Grants in Ireland, and to indemnify certain Persons in relation thereto. § 1. As to continuance of Commissions, &c. * Six weeks after the commencement of the present Session, 2 Will. 4.	17 January 1832*
64. INDEMNITY. (Deputy Lieu- tenants, Scotland.)	1, 2 W. 4.	3.	11 July 1831.	To indemnify Persons who have acted as Deputy Lieutenants in Scotland without due Qualification. § 2. As to acts to be done by such Lieutenants until — — — — —	1 July 1832
65. DUCHY of CORNWALL.	1, 2 W. 4.	5.	30 July 1831.	To enable His Majesty to make Leases, Copies and Grants of Offices, Lands and Hereditaments, parcel of the Duchy of Cornwall, or annexed to the same.	While the Duchy remains vested in THE KING.
66. TURNPIKE ROADS, G. B.	1, 2 W. 4.	6.	30 July 1831.	For continuing the several Acts for regulating the Turnpike Roads in Great Britain, which will expire at the End of the present Session of Parliament, until — — — — —	30 June 1832
67. MILITIA, (Suspending Ballot)	1, 2 W. 4.	8.	30 July 1831.	To suspend until the End of the next Session of Parliament, the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.	END of this PRESENT SESSION. 2 Will. IV.
68. ROYAL FAMILY. THE QUEEN.	1, 2 W. 4.	11.	2 Aug. 1831.	For enabling His Majesty to make provision for supporting the Royal Dignity of The Queen in case she shall survive His Majesty.	Life of HER MAJESTY.

(C.) ACTS OF THE UNITED PARLIAMENT—continued.					
Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.
69. DEAN FOREST.	1, 2 W. 4.	12.	2 Aug. 1831.	For ascertaining the Boundaries of the Forest of Dean, and for inquiring into the Rights and Privileges claimed by Free Miners of the Hundred of Saint Briavels and for other purposes. § 14. Time for making Reports under the Act.	2 August 1833
70. TOBACCO, (Ireland.)	1, 2 W. 4.	13.	23 Aug. 1831.	To repeal an Act [19 Geo. 3. c. 35.] for repealing so much of several Acts as prohibit the Growth and Produce of Tobacco in Ireland, and to permit [for permitting] the Importation of Tobacco of the Growth and Produce of that Kingdom into Great Britain. The Act 19 Geo. 3. c. 35. is continued in force until - - - - - <i>And see § 5. as to the Sale of such Tobacco.</i>	1 January 1832
71. MILITIA, G. B. & I.	1, 2 W. 4.	15.	23 Aug. 1831.	To defray the Charge of the Pay, Clothing, and Contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; and to grant Allowances in certain cases to Subaltern Officers, Adjutants, Quarter Masters, Surgeons, Surgeons' Mates, and Serjeant Majors of Militia, until -	30 June 1832
72. CANDLES, Excise Duties. (U. K.)	1, 2 W. 4.	19.	6 Sept. 1831.	To repeal the Duties of Excise and Drawbacks on Candles. The Acts imposing these Duties, &c. are in force until - - - - -	1 January 1832
73. ROYAL FAMILY. DUCHESS OF KENT. PRINCESS ALEXANDRINA VICTORIA.	1, 2 W. 4.	20.	6 Sept. 1831.	To enable His Majesty to grant an annual Sum to Her Royal Highness Victoria Maria Louisa, Duchess of Kent, for a more adequate Provision for her Royal Highness, and for the honourable Support and Education of Her Royal Highness the Princess Alexandrina Victoria of Kent. As to £. 4,000 - - - - - As to £. 6,000 - - - - -	Life of the Duchess of Kent. Life of the Princess Victoria.
74. HACKNEY CARRIAGES, &c. HAWKERS and PEDLARS.	1, 2 W. 4.	22.	22 Sept. 1831.	To amend the Laws relating to Hackney Carriages, and to Waggon, Carts and Drays used in the Metropolis, and to place the collection of the Duties on Hackney Carriages and on Hawkers and Pedlars in England under the Commissioners of Stamps. § 1. Former Acts are continued in force until - § 8 & 9. Number of Hackney Coaches not to be increased until after 5th January 1833.	5 January 1832

(C.)

ACTS OF THE UNITED PARLIAMENT—*continued.*

Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.
75. CHARING CROSS (Improvements.)	1, 2 W. 4.	29, § 6.	27 Sept. 1831.	To authorize and empower the Commissioners appointed by an Act of the seventh year of his late Majesty King George the Fourth, for extending to Charing Cross, the Strand, and places adjacent, the powers of an Act for making a more convenient communication from <i>Mary-le-bone Park</i> , to make and form a new Street from the Strand to Charles-street, Covent Garden, and to widen the North end of Bow-street into Long Acre; and for other purposes. By § 6, Commissioners to purchase houses, &c. before [or their powers so to do to cease.]	27 September 1834
76. PUBLIC WORKS, (Ireland.)	1, 2 W. 4.	33.	15 Oct. 1831.	For the Extension and Promotion of Public Works in Ireland. See § 97. As to determination or suspension of the powers of the Act under orders of the Treasury. § 103. As to determination of powers of former Acts upon appointment of Commissioners under this Act. § 105. As to vesting powers of Commissioners of Inland Navigation under 40 Geo. 3, c. 51. (I) in Commissioners under this Act upon their Appointment.	
77. CHARITIES.	1, 2 W. 4.	34.	15 Oct. 1831.	For appointing Commissioners to continue the Inquiries concerning Charities in England and Wales for Two Years, and from thence to the End of the then next Session of Parliament.	1 September and END of then next session. 1833
78. BARBADOES and ST. VINCENT Islands.	1, 2 W. 4.	46.	15 Oct. 1831.	To allow the Importation of Lumber, and of Fish and Provisions, Duty free, into the Islands of Barbadoes and St. Vincent, and to indemnify the Governors and others for having permitted the Importation of those Articles Duty free. § 1. Importation permitted Duty free until - § 3. And by His Majesty's Order in Council, such Importation may be permitted until -	1 January 1832 1 March 1832

II.

EXPIRED LAWS;

VIZ.:

BETWEEN 26 OCTOBER 1830 AND 6 DECEMBER 1831.

<i>Extending to</i>	<i>Subject.</i>	<i>Original Acts.</i>	<i>Last Continuing Acts.</i>	<i>Time of Expiration.</i>
1. U. K.	THE KING and QUEEN: Grants of Annuities to, when Duke and Duchess of Clarence.	18 Geo. III. c. 31, &c. 7, 8 Geo. IV. c. 10.	See 1 Will. IV. st. 2. c. 25. §§ 9, 10. and No. 4. 12. 24. of Register of Tempo- rary Laws.	22 April Date of passing the Act 1 Will. IV. stat. 2. c. 25. 1831
2. I.	ASSOCIATIONS.	10 Geo. IV. c. 1. § 2. &c. (§ 1, As to the Catholic Association, is in force permanently.)	- - - - -	22 April (End of Session 1 Will. IV. Sess. 2.) 1831
3. I.	ROADS and BRIDGES.	6 Geo. IV. c. 101.	- - - - -	22 April (End of Session 1 Will. IV. Sess. 2.) 1831
4. U. K.	ANNUITIES.	11 Geo. IV. c. 13. § 4. (As to Dissentients Abroad.)	- - - - -	1 April 1831
5. G. B.	POPULATION.	11 Geo. IV. c. 30. § 3—8, and 9 in part.	See No. 50. of Register of Temporary Laws.	1 August 1831
6. G. B.	EXCISE. (Beer.)	1 Will. IV. c. 51. § 20. (Drawback.)	- - - - -	5 April 1831

EXPIRED LAWS;—Viz.: Between 26 October 1830 and 6 December 1831—continued.

<i>Extending to</i>	<i>Subject.</i>	<i>Original Acts.</i>	<i>Last Continuing Acts.</i>	<i>Time of Expiration.</i>	
7. E.	SUGAR (Warehoused.)	1 Will. IV. c. 72.	- - - - -	5 July	1831
8. G. B.	GRANTS of OFFICES.	1 Will. IV. stat. 2. c. 6.	See as to Ireland, 1, 2 Will. IV. c. 2.	23 June	1831
9. U. K.	EXCISE (Printed Calicoes.)	1 Will. IV. st. 2. c. 17. § 3. Drawback on British Calicoes. § 4. Duties on Irish Calicoes.	{ - - - - - }	1 June	1831

III.**EXPIRING LAWS;****VIZ.:****AT THE END OF THE PRESENT SESSION:**

Or after 6th December 1831, and on or before 1st August 1833, &c.*

ACTS EXPIRING AT THE END OF THE PRESENT SESSION, 2 WILL. IV.

<i>Extending to</i>	<i>Subject.</i>	<i>Original Acts.</i>	<i>Last Continuing Acts.</i>	<i>Nº in Register.</i>
U. K.	MILITIA, (Suspending Ballot.)	1, 2 Will. IV. c. 8.	- - - - -	67.
E.	LUNATICS.	{ 9 Geo. IV. c. 41. 10 Geo. IV. c. 18.	- - - - -	42.
I.	INSOLVENT DEBTORS.	{ 1, 2 Geo. IV. c. 59. 3 Geo. IV. c. 124. 10 Geo. IV. c. 36.	1 Will. IV. c. 33.	26.
I.	LINEN MANUFACTURES.	9 Geo. IV. c. 62.	- - - - -	43.
I.	ARMS, (Importation, &c.)	1 Will. IV. c. 44.	- - - - -	52.

* *N. B.*—“&c.” after any Date in the following List, signifies—to the End of the Session which will commence next after the Date specified.

ACTS EXPIRING after 6th December 1831, and on or before 1st August 1833, &c.

<i>Period of Duration.</i>	<i>Extending to</i>	<i>Subject.</i>	<i>Original Acts.</i>	<i>Last Continuing Acts.</i>	<i>No in Register.</i>
1832:					
1 January	U. K.	{Barbadoes & St. Vincent's (Importation)}	1, 2 Will. IV. c. 46. § 1.	- - - - -	36.
	I.	Tobacco - - - -	19 Geo. III. (I.) c. 35.	1, 2 Will. IV. c. 13.	70.
	U. K.	Candles - - - -	1, 2 Will. IV. c. 19.	- - - - -	72.
5 January	U. K.	Linen Bounties -	9 Geo. IV. c. 76. § 16.	- - - - -	37.
	E.	{Hackney Carriages, Hawkers - - -}	1, 2 Will. IV. c. 22.	- - - - -	74.
11 January	G. B.	{(Indemnity) Attorneys' Clerks - - -}	{1 Will. IV. Stat. 2.} c. 26. § 6. - -	- - - - -	62.
17 January	I.	Grants of Offices -	1, 2 Will. IV. c. 2.	- - - - -	63.
1 March	U. K.	{Barbadoes & St. Vincent's (Importation)}	1, 2 Will. IV. c. 46. § 3.	- - - - -	36.
	U. K.	Annual Duties ; Personal Estates, &c. - - -	{1 Will. IV. Stat. 2.} c. 12. - - - -	- - - - -	57.
25 March	U. K.	Mutiny Acts ; Army - - -	{1 Will. IV. Stat. 2.} c. 15. - - -	- - - - -	59.
		Marines - - -	{1 Will. IV. Stat. 2.} c. 14. - - - -	- - - - -	58.
	U. K.	Indemnity (Offices)	{1 Will. IV. Stat. 2.} c. 26. - - - -	- - - - -	62.
5 April	I.	Coal Trade (Dublin)	21, 22 Geo. III. (I.) c. 17.	51 Geo. III. c. 11. -	9.
	U. K.	Annual Duties, Sugar	1 Will. IV. c. 50.	1 Will. IV. St. 2. c. 23.	53.
	G. B.	{Population (Return of Abstracts to Parliament)}	11 Geo. IV. c. 30. § 9.	- - - - -	50.
1 June	I.	{Calicoes, &c. Certificates - - - -}	{1 Will. IV. Stat. 2.} c. 17. § 5. - -	- - - - -	60.
19 June	U. K.	Friendly Societies -	10 Geo. IV. c. 56. § 40.	- - - - -	48.
24 June	U. K.	{Trade of British Possessions Abroad -}	{6 Geo. IV. c. 114. § 6.} (Foreign Shipping)	- - - - -	38.
30 June	U. K.	Militia ; Pay, &c. - - -	1, 2 Will. IV. c. 15.	- - - - -	71.
	E.	Allowances - -	39, 40 Geo. III. c. 44.	{1, 2 Will. IV. c. 15.} §§ 23, 24. - - -	7.
	G. B.	Turnpike Acts - -	1, 2 Will. IV. c. 16.	- - - - -	66.
1 July	S.	Deputy Lieutenants	1, 2 Will. IV. c. 13.	- - - - -	64.
5 July	S.	Creditors - - -	54 Geo. III. c. 137.	{1 Will. IV. Stat. 2.} c. 16. - - - -	15.
5 July, &c.	E.	Police Offices - -	{3 Geo. IV. c. 55. -} 6 Geo. IV. c. 21. -	10 Geo. IV. c. 45 -	29.

ACTS EXPIRING after 6th December 1831, and on or before 1 August 1833, &c.

<i>Period of Duration.</i>	<i>Extending to</i>	<i>Subject.</i>	<i>Original Acts.</i>	<i>Last Continuing Acts.</i>	<i>No. in Register.</i>
<u>1832:</u>					
16 July, &c. -	E.	Insolvents - - -	7 Geo. IV. c. 57. - -	1 Will. IV. c. 38. -	41.
15 October -	I.	Arms (Possession of)	{ 47 Geo. III. St. 2, c. 54, (&c.) - - }	1, 2 Will. IV. c. 47.	13.
		{ Newfoundland ;			
31 December -	U. K.	Fisheries - - -	5 Geo. IV. c. 51. -	10 Geo. IV. c. 17. -	32.
		Judicature - - -	5 Geo. IV. c. 67. -	10 Geo. IV. c. 17. -	33.
		Marriages - - -	5 Geo. IV. c. 68. -	10 Geo. IV. c. 17. -	34.
<u>1833:</u>					
1 January -	U. K.	Customs, Free Goods, New South Wales - - -	{ 6 Geo. IV. c. 111. § 10, &c. - - - }	- - - - -	36.
		New Zealand - - -	7 Geo. IV. c. 48. § 35.		
1 January -	U. K.	{ Insolvents, (East Indies) - - - }	9 Geo. IV. c. 73. - - -	- - - - -	44.
25 March -	I.	{ Dublin (Improvements) - - - }	21, 22 Geo. III. c. 17. (I.)	51 Geo. III. c. 10. -	9.
5 April -	G. B.	{ Assessed Taxes (Composition) - }	59 Geo. III. c. 51, &c.	1, 2 Will. IV. c. 7. -	22.
2 July -	U. K.	{ Seamen's Wages (Merchant's Service) }	59 Geo. III. c. 58. -	7 Geo. IV. c. 69. -	24.
4 July - -	E.	London Bridge - -	{ 4 Geo. IV. c. 50. §§ 23, 106. - - }	- - - - -	30.
1 August -	E.	Bank of England -	{ 56 Geo. III. c. 96. (See §§ 2. 4.) - }	- - - - -	17.

IV.

LIST OF LAWS,

WHEREOF

THE DURATION DEPENDS ON PUBLIC CONTINGENCIES.

<i>Extending to</i>	<i>Matter.</i>	<i>Original Acts.</i>	<i>Last continuing Acts.</i>	<i>Duration.</i>	<i>Nº in Register.</i>
U.K.	THE KING; (Payment in lieu of Hereditary Duties on Beer and Cyder.) (Civil List.)	1 Will. IV. c. 51. § 5. 1 Will. IV. stat. 2. c. 25.	- - - - -	Life of The King.	54. 61.
U. K.	THE QUEEN.	1, 2 Will. IV. c. 11. -	- - - - -	Life of The Queen.	68.
U. K.	REGENCY.	1 Will. IV. stat. 2. c. 2.	- - - - -	Life of the Princess Alexandrina Victoria, until 24 May 1837.	56.
G. B.	ROYAL FAMILY.	18 Geo. III. c. 31. - 46 Geo. III. c. 145. 47 Geo. III. st. 1. c. 39. 52 Geo. III. c. 57. - 56 Geo. III. c. 24. - 58 Geo. III. cc. 24. 25. 53. 1 Geo. IV. c. 108. § 1. 6 Geo. IV. c. 71. - 1, 2 Will. IV. c. 20. -	- - - - -	Lives of Grantees; Lives of Grantees - Life of Prince George of Cumberland until 27 May 1837 Lives of the Duchess of Kent and her daughter the Prin- cess Victoria.	4. 12. 16. 18. 19. 21. 25. 35. 73.
E.	CORNWALL Duchy.	1, 2 Will. IV. c. 5. -	- - - - -	While the Duchy is vested in The King.	65.
E.	BANK of England.	5, 6 W. & M. c. 20. § 20. 8, 9 Wm. III. c. 20. § 26-28 - - - 9, 10 W. III. c. 44. § 75. 6 Anne, c. 22. § 9. - 7 Anne, c. 7. § 5, 6, 7, 61. - - - - - 12 Anne, c. 11. § 23-25. 15 Geo. II. c. 13. § 3, 5. 4 Geo. III. c. 25. § 12-14 21 Geo. III. c. 60. § 11, 12 39, 40 Geo. III. c. 28. § 14, 15 - - - 7 Geo. IV. c. 46. - 56 Geo. III. c. 96. -	10 Geo. IV. c. 31. § 24.	Until Redemption of Bank Annuities. Expiration of 12 Months' Notice after 1 August 1833. Until Repayment on or before 1 August 1833.	1. 3. 17.

IV. ACTS whereof the Duration depends on PUBLIC CONTINGENCIES—*continued.*

<i>Extending to</i>	<i>Matter.</i>	<i>Original Acts.</i>	<i>Last continuing Acts.</i>	<i>Duration.</i>	<i>No. in Register.</i>
I.	BANK of Ireland.	{ 21, 22 Geo. III. (I.) c. 16. 48 Geo. III. c. 103. 3 Geo. IV. c. 26. 48 Geo. III. c. 103. 1, 2 Geo. IV. c. 72. 3 Geo. IV. c. 26.	{ - - - - - - - - - -	{ Expiration of 12 Months' Notice after 1 January 1837. 1 January 1838, Time of Repayment.	8. 8. 27.
E.	EAST INDIA COMPANY.	{ 9, 10 W. III. c. 44, &c. 37 Geo. III. c. 117. -	{ 53 Geo. III. c. 155. § 3.	{ Expiration of the Year's Notice after 10 April 1831.	2. 6.
U. K.	PORTUGUESE DOMINIONS; Trade with.	{ 51 Geo. III. c. 47. - 59 Geo. III. c. 54. § 8.	{ - - - - -	{ Continuance of Treaty with Portugal.	14. 23.
U. K.	AMERICAN Trade, &c.	{ 59 Geo. III. c. 54. 7 Geo. IV. c. 5.	{ - - - - - - - - - -	{ Continuance of Treaties. Seven Years after date of Treaties.	23. 39.
U. K.	SUGAR Bounties.	1 Will. IV. c. 50.	- - - - -	Continuance of Duties on Sugar.	37.
I.	PUBLIC WORKS.	1, 2 Will. IV. c. 33. (See § 97, 100.)	{ - - - - -	Orders of the Treasury.	75.
U. K.	BARBADOES, and ST. VINCENT'S.	1, 2 Will. IV. c. 46, § 3.	- - - - -	Order of Council.	77.

I N D E X
OF THE SUBJECT-MATTER OF THE ACTS CONTAINED IN
THIS REPORT.

N.B.—The FIGURES refer to the Number in the Register of TEMPORARY LAWS;
 Except when *Exp.* is prefixed, which refers to the List of EXPIRED LAWS.

The * signifies that the Article relates *exclusively* to Ireland.

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B.		Creditors, (Scotland) - - - - -	15.
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R E P O R T

FROM

SELECT COMMITTEE

ON

THE PRESENT STATE OF THE

LIBRARY OF THE HOUSE OF COMMONS,

WITH

THE MINUTES OF EVIDENCE,

AND

A P P E N D I X,

*Ordered, by The House of Commons, to be Printed,
16 July 1832.*

Martis, 8^o die Maii, 1832.

Ordered,

THAT a Select Committee be appointed to inquire into the present State of the LIBRARY OF THE HOUSE OF COMMONS;—to examine into the expediency of providing further Accommodation for the same;—to consider respecting future Regulations for the Preservation and Management thereof;—to inquire into the State and Condition of the Printed Reports and other Papers presented to this House; and to report their Observations thereupon from time to time:—And a Committee was appointed of

Sir Robert Harry Inglis, Bart.	Mr. Littleton.
Lord Viscount Althorp.	Mr. Williams Wynn.
Mr. Rice.	Mr. Lefroy.
Sir Robert Peel, Bart.	Mr. Crampton.
Sir James Mackintosh.	Lord Viscount Mahon.
Mr. Goulburn.	Mr. Pusey.
Mr. Courtenay.	Mr. Stewart Mackenzie.
Mr. Ridley Colborne.	Mr. Stuart Wortley.
Sir Henry Hardinge.	Sir George Clerk, Bart.
Mr. Davies Gilbert.	Sir Edward Cust.

And they are to meet To-morrow, in The Speaker's Chamber; and have power to send for Persons, Papers and Records.

Ordered, That Three be the Quorum of the Committee.

R E P O R T.

THE SELECT COMMITTEE appointed to inquire (i.) into the present State of the LIBRARY OF THE HOUSE OF COMMONS;—to examine (ii.) into the Expediency of providing further Accommodation for the same;—to consider (iii.) respecting future Regulations for the Preservation and Management thereof;—and to inquire (iv.) into the State and Condition of the Printed Reports and other Papers presented to The House; and to report their Observations thereupon to The House; and who were empowered to report the Minutes of the Evidence taken before them:—HAVE agreed to the following REPORT:

1. YOUR Committee have examined and considered the several subjects entrusted to their inquiry by The House; and proceed in the order in which those subjects have been referred to them, to report thereupon their Observations.

I.—*The present State of the Library of The House of Commons.*

2. They have great pleasure in repeating the words of the Committee of 1830;* they have found the Library “in good order, both with regard to classification and facility of reference; and they consider the selection of Books, so far as it goes, to have been very judicious, and to constitute the foundation of an adequate Library of Historical and Constitutional Literature.” At the same time, they cannot but repeat—here also—the observation of their predecessors in 1830 (and with undiminished truth, since no Books have in the interval been added by purchase, and four only by gift.)—“That on certain subjects the collection is susceptible of beneficial additions, more particularly with regard to English Law.” They feel, indeed, that not only in respect to Law, but in respect to History, of this and of other countries, the Library of The House of Commons is at present far from sufficient for its legitimate objects.

* Report, ordered
to be printed
7 June 1830.

3. Your Committee do not desire to recommend that the Library should ever receive the current Literature of the day: they are indeed unwilling that it should be considered as a depository for any works unconnected with the political duties of Members of the Legislature. They do not wish, therefore, that it should contain the Ancient or Modern Classics of any language; or, in general, works of Science; or works of Theology; or any works which may render it a reading-room for others than Members, or for Members themselves in any pursuits distinct from those which

REPORT FROM SELECT COMMITTEE ON THE

belong to them in the immediate discharge of their Parliamentary duties : but they think that the Library should be made complete in English History, including all Parliamentary and Constitutional Literature ; that it should be considerably enriched in Foreign History and Statistics ; that it should annually receive, if possible, all the Statistical Reports made to the legislative bodies of other Countries, and, especially, to the French Chambers, and to the Senate and House of Representatives of the United States of America ; as well as the Laws passed in the Crown and other Colonies of this Country ; and all Papers connected with Law and Statistics which may be printed by order of the East India Company.

4. Upon this subject the Committee feel bound to state, that, though a similar Recommendation contained in the Report of 1850 was not formally adopted by The House (the question not having been taken into consideration), His Majesty's Government at the time, and their successors, have to a considerable degree given effect to the substance of such Recommendation, by directing the Governors of Colonies to transmit, for the use of this House, Copies of the Acts of the Local Legislatures ; and by authorizing communications to be made, through His Majesty's Ministers in France and in America, both to the French Chambers and to the Congress and Senate of the United States, the result of which, Your Committee have reason to hope, will be an agreement to interchange periodically the Sessional Papers of those Countries respectively with the Sessional Papers of the United Kingdom. As yet, however, the sets of the Colonial Laws procured for the Library are very imperfect indeed : and of the French and American Papers, none have yet been received. A very large set of the Papers of The House has been already sent to the Chamber of Deputies, and the receipt of them has been acknowledged, and the Papers of that Chamber promised in return, according to a Letter from the President to Mr. Speaker, which will be found in the Appendix.

Appendix, No. 1.

5. In respect to the United Kingdom : at this moment, the Library of The House of Commons is not only without any collection of the Cases heard and determined by The House of Lords, or by The Privy Council, but does not contain a complete collection of the Papers printed by their own Order ; and not even a complete series of Private Acts of Parliament. This is not mentioned as a matter in which the existing generation is culpable, but as a defect now, too probably, irremediable, and the mention of which is of no other present use than as a warning lest the same neglect of the current Papers of The House should ever hereafter be brought as a reproach to the present day. It is less wonderful, that the Library contains no collection of the Proceedings of the Scotch or Irish Parliaments distinct from the Acts of the one and the Acts and Journals of the other. The earliest Volume of the Votes of the English House is 1690.*

* See Report on the
Votes, 1817, p. 166.

6. Without stating farther what it does not contain, it may be more useful to state generally, so far at least as bulk is concerned, what it does contain. The number of Volumes now in the room called the Library is about 4,150 ; the number of Volumes in other rooms, but equally in charge of the Librarian, consisting, indeed, chiefly of a duplicate set of the Journals and of Parliamentary Papers, is about 1,500.

7. In the course of the inquiries entrusted to them, Your Committee received from Mr. John Bull, the Clerk of the Journals, three Volumes, bound, and lettered " Catalogue of Printed Books : Journal Office, 1495-1659 :" on examination, this Catalogue contained the Titles of a very miscellaneous

laneous collection of Books on History and Politics, with some Theology ; in English and French, with some Latin ; the dates of publication varying from the time of Elizabeth to that of George II. On an inspection of the collection, it appeared to consist almost entirely of Pamphlets, regularly done up in bundles, lettered and numbered, corresponding with the Catalogue. Your Committee could learn nothing of the history of the collection thus discovered, by whom formed, or by whom placed where it was found. Mr. John Bull received the custody of the Books, as well as of the Catalogue in question, from his predecessor, the late Mr. George Whittam, by whom the Catalogue was bound, and by whom, apparently, the Pamphlets were done up in their present state. Some of the articles bore prefixed to them in the Catalogue a stamp with the letters S. G. Those letters suggested to Your Committee the idea, that the Books to which in the Catalogue they were prefixed, might be found in Mr. Speaker's Gallery, a suggestion verified by examination. With respect to the other works not so marked, Your Committee suggest the expediency of transferring them at least to the custody of the Librarian, and of printing the whole Catalogue, under his inspection. The House will not be displeased to hear that, in the judgment of Mr. Ellis, Principal Librarian of the British Museum, to whom the Catalogue was submitted, and whose opinion will be found more in detail in the Appendix, " This Collection is one of very " great intrinsic interest, and most appropriate for the uses of The House " of Commons."

8. Your Committee take this occasion to recommend that the general Catalogue be re-printed before the commencement of the ensuing Session of Parliament, and that it be delivered with the Journals, and not as a Sessional Paper. There is reason to believe that its very existence is scarcely known to many Members of the present House, it having been delivered as a Sessional Paper in the Parliament before the last.

II.—*The Expediency of providing farther Accommodation for the Library of The House of Commons.*

9. The slightest inspection of the present room is sufficient to satisfy every Member of this House, that if it be expedient to increase, by purchase, the Books belonging to it, or even to admit the ordinary Volumes of Sessional Papers to be printed by Order of The House, beyond those of the current year (not to mention the newly-discovered collection just noticed), there is not within the present room any vacant space available for the purpose. The aggregate thickness of the Volumes printed *every year* by Order of The House, occupies above 60 inches of a shelf; and the height from 18 to 24 inches, averaging perhaps nearly 10 superficial feet.

10. Assuming, as the Committee of 1830 had assumed, and as the preceding observations appear to admit, that the collection requires to be increased in several departments, and that no adequate space can be found to receive such increase under the present roof of the Library, Your Committee considered the best mode of providing such space with a due regard to economy. They felt it necessary to consider, at the same time, not merely the convenience of Members, and the general objects of the Library, but also the fourth matter referred to them, viz. "*the present State and Condition of the Printed Reports, AND OTHER PAPERS presented to The House.*"

11. The area of the present Library is 55 feet by 23 feet, or 1,265 square feet, and its height is 13½ feet ; but the space occupied by Book-cases and

by Tables, reduces the clear area for sitting or standing to 917 square feet. The Librarian stated, that he and his Assistant had, at different times, counted the number of Members entering the Library, and had found that the greatest number in any one day had been ninety-five; that, generally, the number was from sixty to eighty; that on some days during the last summer, the inconvenience thence arising was considerable; and the Members who resorted to the Library for the purpose of reading, or of consulting books, complained of the disturbance which the numbers in such a space necessarily occasioned.

12. It became clear, therefore, to Your Committee, that the area of the Library, independently of the space for Books which its walls furnished, was too small; that accommodation was required, not only for the Books, but for the Readers also. The Plan, therefore, which was sanctioned by the recommendation of the Committee of 1830, was accordingly abandoned. That Plan left the area of the existing Library in its present state; but removed the ceiling, and incorporated, in one spacious room, the present Library, and the two Committee Rooms above it, Nos. 18 and 19; at the same time constructing a Gallery round those rooms for convenience of access to the upper shelves. Whatever advantages this Plan may have possessed, it obviously left the area unincreased, and provided for the reception of Books a part only of the accommodation which those Committee Rooms, Nos. 18 and 19, would, if now given up in their present state, for the purposes of the Library, supply; the intermediate wall furnishing, of course, on both sides a large space, which the proposed Plan would destroy.

13. The Committee therefore, under these circumstances, deemed it advisable to request His Majesty's Commissioners of Woods, Land Revenue and Works, to direct the Architect in whose department the buildings of The House of Commons might be placed, to attend them. Sir Robert Smirke accordingly appeared before Your Committee, and was instructed to consider, 1st, The expediency of connecting the two Committee Rooms, Nos. 18 and 19, by a spiral staircase, with the existing Library, or with a lobby thereto, leaving every thing, both in that Library and in the two rooms in question, in its actual state (a Plan in part suggested by Mr. Ley, the Clerk of The House, in his Evidence before the Committee of 1830); and, 2d, The possibility of finding, for the service of Committees, two other rooms in lieu of those thus to be absorbed for the purposes of the Library.

14. Sir Robert Smirke stated that, from his professional experience about the buildings of the Two Houses of Parliament, he could declare at once that no other Committee Rooms could be found or formed within the precincts of The House of Commons: and therefore, that if it were assumed by Your Committee, that two such rooms were necessary for the service of The House, he could not undertake to provide any in lieu of Nos. 18 and 19. Your Committee were aware that, in the Report of 1830, a suggestion was contained for forming two Committee Rooms out of the Augmentation Office; removing that office to an upper story, and providing other accommodation elsewhere for the officer of the Court of King's Bench, now occupying apartments there. The Lord Chief Justice of the Court showed the greatest readiness to meet the wishes of the Committee of 1830 in the matter; but since that time several alterations have been made in the building; and this consideration, with others stated in the Evidence of Sir Robert Smirke, satisfied Your Committee, that the Committee Rooms required to supply the want which might be created by incorporating Nos. 18 and 19 with the present Library, could not be provided in that quarter.

Your

15. Your Committee directed Mr. Bellamy, the Housekeeper of The House of Commons, to furnish a List of the Committee Rooms; and they personally inspected them. The List ranges from one to twenty-one, the series not having been altered by late changes; but No. 10 was in the course of those changes pulled down; No. 8 is the Kitchen of The House of Commons; No. 9 is the Room of the Chairman of Committees of Ways and Means, a portion of it being occupied by the Manuscript Journals of The House; No. 17 is between Westminster Hall and the passage to The House, and is lighted by a sky-light; No. 16 is occupied by the Poor Returns; No. 12 was lately occupied by the Court of Review; Nos. 13 and 14 have been occupied for several Sessions, and during the whole of this Session to 16th June, by the Master of the Rolls and by the Vice-Chancellor of England. Under these circumstances, Your Committee, perceiving that, by this enumeration, thirteen or fourteen Committee Rooms only remain for the service of The House, proceeded to inquire what number of Committees might be daily sitting, and in how many Rooms, in order to ascertain whether any smaller number of Rooms than thirteen or fourteen might be made to suffice for the due discharge of the business of The House. By a Return in the Appendix* it will appear that, in 1830, in one day, twenty-eight Committees sat in nineteen Rooms, the number of nineteen being made up by taking in the Members' Waiting Room, on the level of Palace-yard, and the Rooms ordinarily appropriated to other purposes, as already specified; and that on ten out of seventeen days, taken in sequence, fourteen Committee Rooms and upwards were required. Your Committee therefore, looking to this view alone, and without considering any probable increase of demand for Committee Rooms during the next Session, cannot recommend the abstraction of the Rooms Nos. 18 and 19 from the general service of The House.

* Appendix, No. 4.

16. Your Committee have less reluctance in abandoning their own original suggestion, and in adopting, in lieu of it, the recommendation of Sir R. Smirke, hereinafter detailed, because they see that the adoption of such recommendation not only leaves the existing accommodation of Committees as extensive as before, but enables them at once to provide for another object, (a subject also referred to them by the Order of The House,) viz. the increased space which the increased and increasing Papers presented to The House require for their deposit and preservation.

17. The question as to the deposit and preservation of the PRINTED Papers belonging to The House, though strictly within the terms of the order of reference under which Your Committee was appointed, having formed the subject of distinct and elaborate inquiry in former years, and not appearing to demand at present any new measures, Your Committee, though they took some Evidence in relation thereto from Mr. L. G. Hansard, which shows the continued attention of his Firm to the business of this House entrusted to them, do not think it necessary to recapitulate that Evidence, but content themselves with referring generally to it, and to the other information on the subject collected in the margin.

Journals, vol. 58,
p. 653; Report on
Printing, 1822,
(607) pp. 198, 199,
200, 285, 293, 302;
Report on Library,
1825 (516) p. 8.

18. In respect to the State and Condition of the Papers presented to The House, such Papers being in MANUSCRIPT, Your Committee desire to call the attention of The House to the Evidence of Mr. John Bull, the Clerk of the Journals and Papers, in whose more immediate custody, under the Clerk of The House of Commons, all the Papers, which have ever been presented at the Table, are held to remain. Mr. Bull stated to Your Committee, that no further space could be obtained under the existing roof, for the Papers of more than the next two or three

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years;

years; and even at present they occupy closets in lobbies and on stair-cases, thereby showing how little hope there is of obtaining any other accommodation for them within the existing area of The House. Your Committee examined most of the places where they were deposited, (Presses, containing 13,612 cubic feet, besides 437 cubic feet in the roof of The House); and the conviction which they entertain, of the extreme inadequacy of the present space, and of the consequent necessity of providing speedily some other depository for them, confirms them in the expediency of adopting the plan recommended by Sir Robert Smirke, which they will forthwith proceed to describe.

19. They think it right, however to state, in the first instance, in order to obviate an objection which might be made against the necessity of providing any further space for the Papers of the years to come, (viz. that the Papers of past years might be destroyed or removed, and adequate accommodation thus provided without further increasing the buildings of The House,) that, if because no immediate object could have been seen in the preservation of the early Records, those Records had been destroyed, History would have wanted some of its most curious and valuable materials and illustrations; and such some of these may possibly be, several of them not having been examined perhaps for two centuries;* secondly, that the Papers in question are, as to much the greater part, regularly scheduled and methodized, and are accessible at the shortest notice on the requisition of any Member: — [at some future time, perhaps, an examination of these Collections, with a view to discovering and printing such as are curious and inedited, might be recommended to the consideration of The House;] and, thirdly, that if from these considerations it be thought right, as Your Committee feel it to be, that none of these, excepting, perhaps, the first Paper Drafts of Bills, ought to be destroyed, and that the only question is, whether they might not be removed, Your Committee feel no hesitation in stating, that the general depositories of the Records of the Kingdom are either so crowded, or so unfit, from other causes, for the reception of additional Papers, that the single course which they can recommend is, that other accommodation should be provided within the precincts of The House for the deposit of its own Papers.

* One of the presses contains a green bag, which itself contains a Post Office bag of unopened letters of the year 1690.

20. With this conviction, Your Committee resume their reference to the Plan which they have adopted, as embracing all their objects.

21. Sir Robert Smirke proposes in that Plan to leave untouched in size the present Library, but to exclude it farther from the stairs by a Lobby, to contain on one side the present water-closet, and on the other a small room, with a stove, for the Messenger. He proposes to take down the windows at the eastern end, in a manner which will not diminish the light of the existing room, and to open the wall there, leaving two pillars, or pilasters, communicating with an anti-room, nearly 22 feet square, lighted from above, which may be considered as the more immediate seat of the Librarian. This anti-room will open to another room 40 feet long by 25 wide, to the eastern end of which the windows of the present Library will be transferred. It is easy to give to this room the fullest light, by opening other windows to the south; but it is considered that it will be more advisable to gain from above the farther light which may be required, and to leave the walls on both sides unbroken for the reception of books.

22. The building thus to be erected will be flush with the new buildings of The House of Lords.

As

23. As much of the concourse of Members now attending the Library is obviously for the purpose of writing, and as those who resort to it for the more direct purpose of referring to books, are those most likely to feel the inconvenience of the numbers now crowded into the existing rooms, Your Committee venture to suggest, that the room proposed to be thus added to the eastward, should be considered as more directly the Reading-Room of the establishment.

24. Below the rooms thus added, Sir Robert Smirke has provided a new depository for Papers, 39ft. 6in. long, by 24ft. 6in. wide, together with an anti-room thereto, which may, if necessary, be fitted up for a similar purpose.

25. In recapitulation, Your Committee observe, that this plan of Sir Robert Smirke comprehends all the objects desired by them. It leaves untouched the two Committee Rooms (Nos. 18 and 19), which the Plan of 1830 proposed to absorb into the Library; it adds an area for Members, as well as walls for books, double in extent to the present; and it provides an intermediate room, in which the Librarian may sit, and a lobby in which a Messenger may be placed, all within one entrance, and on one floor; thus requiring no addition to the number of officers employed; an addition which, if the Library were on two floors, would be necessary; while, in the floor below, it adds an apartment for the Papers of The House, which will provide adequate accommodation for them for a very great number of years.

26. The cost of this Plan, including fittings-up for books, will be a sum not exceeding £. 4,000. The Committee suggest the expediency of beginning the work forthwith, in order that, if possible, the new building may be in readiness at the commencement of the ensuing Session. If, however, this result should not be practicable, there is at any rate this recommendation in the Plan now proposed, that its progress, more or less, will not in any degree affect any accommodation which the existing Library at this moment supplies.

27. The only regret which the Committee feel in recommending this Plan to the adoption of The House, is, the inconvenience which the Clerk of The House will sustain by the carrying, as proposed, the present line of the Library to such an extent eastward as to destroy a large part of the pleasurable view from his house, and to encroach several feet along the line of his garden, and thus to destroy several of his trees and shrubs: and Your Committee feel that their regret is increased by the willingness with which that officer withdrew his objections to the Plan, when he saw that the different objects of the Committee could not in any other way be attained.

III.—*The future Regulations for the Preservation and Management of the Library.*

28. Your Committee in considering this subject, desire to express their entire satisfaction at the mode in which, under Mr. Speaker's direction, the Library has been hitherto preserved and managed, and at the appointments which the Chief Clerk, by virtue of his office, has made therein; and they cannot withhold the expression of their regret at the loss which the House sustained by the death of Mr. Spiller, the late Librarian. The new arrangement contemplated, and the increase of books which the adoption of the preceding recommendations of this Committee implies, render it, however, probable, that the other duties of Mr. Speaker would scarcely afford him leisure for the increased trouble which the continuance

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of his personal and single superintendence may occasion to him. Your Committee are therefore disposed to adopt, in part, the view taken by their predecessors in 1830; and to propose that, at the commencement of each Session, Mr. Speaker should name a standing Committee of Five, including himself, to whose direction should be referred all matters relating to the Library; the patronage to remain where it now is.

29. In the meantime, however, Your Committee are unwilling to omit the suggestion of their opinion, that the service of the Members of this House, for whom only the Library is intended, does not require that it should remain open during the whole period of a Prorogation. The attendance of the Librarian and Assistant Librarian is greater than that of any in similar stations in any other Library in the United Kingdom; and Your Committee cannot but feel, in respect to Mr. Spiller, whose loss they have already noticed, that the almost unbroken labours of his office contributed too fatally to the close of his life.

30. Your Committee think it right also to observe, that the salary of the Librarian is too low to repay the undivided attention of any gentleman qualified for the office, particularly as it does not lead to his sharing in the chances of rising to more lucrative situations under The House. If that indeed were the case, it would be open to a new objection, since it would tempt an individual as soon as he might acquire the full facilities of discharging his duties in the Library, to accept the first opportunity of leaving them for any station of higher emolument connected with the general business of The House. Your Committee therefore think that the salary of the gentleman who is to fill such an office as that of Librarian to The House, ought not to be so low as £.300 per annum; and they recommend accordingly that it be raised from £.300 to £.400, to take effect from the 5th instant: and that it be increased at the rate of £.20 per annum for the next five years. They recommend that the salary of the Assistant Librarian should be raised from £.150 to £.200; and that it be increased at the rate of £.10 per annum for the next five years; on any vacancy in either office, the salary of each to commence at £.400 and at £.200 respectively, rising as above recommended. They recommend that the sum of £.1,000 be allotted for the salaries of the Librarians, and for the supply of books, beginning with £.1,000 to supply the more immediate deficiencies of the Library; and that the difference between such salaries and such sum (a difference every year diminishing) be applied to the purchase of books; the sum required for which will, as the salaries increase, be in like manner every year diminished. When The House shall consider, that by a Return lately laid upon their table,* their First Door-keeper received (including, indeed, gratuitous emoluments, as well as fees and salary) for the year 1829, £.786. 14. 6. and for the two Sessions of the year 1831 the sum of £.1,424. 7. 3.; and that the very Messenger of the Library received a sum exceeding that of the salary of the gentleman, then and now Assistant Librarian, they will not, it is presumed, think that the increase at present proposed for the service of the Library is excessive.

* No. 389, ordered
to be printed
18 April 1832.

IV.—*The State and Condition of the Printed Reports and other Papers presented to The House.*

31. This subject, the fourth and last, intrusted to the inquiries of Your Committee, has already, in the preceding parts of this Report, been noticed, so far as the space required for the safe custody of them is in question.

32. The Classification of them, and the facility of reference to them by Indexes, remain to be considered.

33. The

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33. The Classification of the Papers of The House (ordered to be printed between the years 1801 and 1826,) was formed in pursuance of the Report of the Library Committee of 1825, of which Mr. Spring Rice was Chairman. Sets of this Arrangement of Volumes of Parliamentary Papers have been since given to certain individuals in the highest offices, and to the Library of the Chamber of Deputies, as already noticed, as well as placed in the Library of this House.

Rep. of Com. 1 July
1825, No. 516;
and Paper No. 81,
1830.

34. It has been suggested (and Your Committee adopt the suggestion) that a Second Series, from 1826 up to the close of the present Session, should be made up, as a temporary arrangement, for the use of the Library of The House ; and that, at the expiration of another seven years, the articles which may be printed in the interval should be incorporated with those of the last seven years, and a permanent Second Series be thus formed ; the Index of the first, from 1801 to 1826, being then re-printed with the incorporation of the new matter to be indexed in such Second Series.

35. It has also been suggested by Messrs. Hansard (and Your Committee here again adopt the suggestion), that it is expedient that whenever any of the Reports now out of print be reprinted, as is frequently required when the subject to which they refer comes again under discussion, such marks might be adopted on the title-page and in the paging of such several reprints as, while the individual character of each shall be preserved, might mark its locality in the Classification of Parliamentary Papers. Thus in the course of years the volumes would have, by a gradual process, all the uniformity of a reprinted edition without the expense of a general and immediate execution of a plan for that purpose, while each individual Report would still, as now, be applicable to distinct purposes.

36. In connection with the Classification of Parliamentary Papers, Your Committee submit to The House certain suggestions on the mode of giving to the Printed Proceedings of Parliament, which will always form the most important portion of the Library, an increased value, by increasing the facility of ascertaining their contents.

37. As there is much valuable information rendered unavailable, from the absence of any means of reference to the Appendixes of Reports of Committees, and of Commissioners, Your Committee recommend that an Index to such materials from 1800 to the close of the present Session, should be compiled, similar to that subjoined by Messrs. Hansard to the Collection of Reports dated prior to 1800, and printed in 15 volumes, folio.

38. The General Index and classification of Papers prepared by Messrs. Hansard to the Sessional Papers from 1801 to 1826, have been found eminently useful. The work is now out of print, and it is often applied for in vain : a continuation of it has been prepared by direction of Mr. Speaker.

See No. 81. 1830,
and Gen. Index,
23 Feb. 1829.

39. Your Committee recommend that One General Index be formed, incorporating the existing Index of the fifteen volumes, and the existing Index of the Sessional Papers from 1801 to 1826, with the Index now recommended to be formed, in respect to the Appendixes of Reports, and also, with an Index to the Sessional Papers from 1826 to the close of the present Session ; and lastly, with an Index to the Papers furnished from The House of Lords.

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40. Your Committee further submit to The House the expediency of directing an Index to be prepared and printed ; 1. Of the Private Acts from the earliest date ; 2. Of the Local and Personal Acts from the earliest date, similar to that prepared by the late Mr. Spiller to the Public Statutes, from 1800.

41. The Committee feeling the value of the General Index to the Journals, which is at present prepared and kept by Mr. Vardon, the Librarian, on the plan originally adopted by Mr. Spiller, are led to desire, that a similar plan may be adopted in preparing the Annual Index to the Journals. At present a Member desirous of knowing whether any given place may have sent up a Petition to The House on some question, in reference to which the Petitions have been numerous ; or, knowing that such Petition has been presented, and desirous only of ascertaining on what day, and under what circumstances it may have been presented ; has, under the actual arrangement of the Index, very little assistance. That Index is alphabetical on subjects only : thus, for instance, if the question be, whether Aberystwith, or Bedford, or Colchester, or Dartmouth, sent up a Petition on Slavery in the Session 1830-1, twenty-six folio columns very closely printed, must be searched, in order to ascertain the fact. An Alphabetical order of Places and Persons, ought, as in the Manuscript Index kept in the Library, to be adopted in the Printed Index of the Journals.

42. Connected with the subject of the state and condition of the Printed Papers is a minor point, which yet Your Committee think not undeserving of being brought before the notice of The House. Your Committee feel the convenience of an alteration made in 1830, by the addition of printing in the Votes the name of a Member on whose motion a Paper, or Return, is ordered to be produced ; and they feel the convenience of a second alteration, made in the course of the present Session, by endorsing on the Paper, when produced under such order, the name of such Member. They think it equally desirable, for the purposes of reference, particularly in future years, that when a Bill is brought in, the name of the Member, on whose motion leave has been given to bring in such Bill, should in like manner be endorsed thereon ; and that in printing a Petition in the Appendix to the Votes, the name of the Member presenting such Petition should in like manner be prefixed thereto.

16 July 1832.

MINUTES OF EVIDENCE.

L I S T.

Martis, 15° die Maii, 1832.		Veneris, 1° die Junii, 1832.
Thomas Vardon, Esq. - - -	p. 13	Sir Robert Smirke - - - - p. 25,
Luke Graves Hansard, Esq. - - -	18	John Bull, Esq. - - - - (p. 23.) 27
John Henry Ley, Esq. - - -	21	
Veneris, 18° die Maii, 1832.		Mercurii, 13° die Junii, 1832.
John Bull, Esq. - - -	23	Sir Robert Smirke - - - - 29

Martis, 15° die Maii, 1832

SIR ROBERT HARRY INGLIS, BART.

IN THE CHAIR.

Thomas Vardon, Esq. called in; and Examined.

1. **W**HAT office do you fill in the House of Commons?—Librarian.
 2. How long have you been connected with the Library of the House of Commons, either as Librarian or Sub-librarian?—I was appointed in 1828, in consequence of the Report of a Committee of the House of Commons stating that the Library was not efficient, for the want of greater assistance, and Mr. Ley then appointed me as Assistant Librarian, and I succeeded to the office of Librarian in September 1831.
 3. What is the size of the present Library?—It is 55 ft. by 23 ft. and 13½ feet high.
 4. Does that room afford accommodation for the books which are at present in your custody?—No, it does not.
 5. Where are the books placed which are not contained in that Library?—In the Committee rooms over the Library.
 6. Do you find such arrangement convenient, or is it not matter of complaint by Members of the House?—It is not a convenient arrangement, at present.
 7. Are the Members aware of what books belong to the Library, or not?—I should think they are, since the Catalogue of the Library has been published.
 8. Has that Catalogue been reprinted?—No, not since it was first printed in 1830; since that, there has not been an accumulation of books sufficient perhaps to warrant a reprint of it.
 9. Is the Catalogue sent round as the Journals are sent, or otherwise?—It was merely delivered as a Sessional Paper in the year 1830, as any other Sessional Paper is; but it can be had by application to The Speaker at any time, if there are any copies in store.
 10. Have many books been added to the Library since?—Very few.
 11. Have you a Catalogue of the Library, interleaved, which you can produce to the Committee?—Yes [*producing it.*]—
 12. What is the total number of books now in the Library?—About 4,150.
 13. In the actual room called the Library?—Yes.
 14. What is the number of books in the rooms above?—The books in the rooms above are the duplicate copies of the Statutes and of the Sessional Papers, which are about 1,500 volumes more; they are duplicates of what are in the room below, for the use of the Committees.
 15. Is there any volume in the Library headed “Desiderata,” in which Members can write the title of books, the want of which they may experience, and the supply of which they may probably suggest?—Not at present; we have been in the habit of making a list of the books that Members have asked for, which are not in the Library.
 16. In what way are such books supplied, if at all, for the service of the House of Commons?—I believe I have never sent in any list to The Speaker since I have been

*Thomas Vardon,
Esq.**15 May,
1832.*

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Thomas Vardon,

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been Librarian ; but I rather think Mr. Spiller used to forward the list to The Speaker on any particular occasion of books being called for ; but if any have been bought by that means, they have been very few.

17. Since February 1830, no books have been so added ?—No.

18. That being the date of the Order of the House of Commons for printing the present Catalogue ?—Just so.

19. In the former Committee it was suggested, that it would be desirable that the Library of the House of Commons should contain complete sets of the Acts and Proceedings of the Colonial Legislature, of the Chamber of Deputies and Chamber of Peers in France, and of the Senate and House of Representatives of the United States ; have any and what measures been adopted, to your knowledge, in order to procure such supply for the Library of the House of Commons ; first, as to the Acts and Proceedings of the Colonial Legislature ?—Sir George Murray took some pains, I believe, to procure us the Colonial Laws, and wrote on that subject to all the Colonies ; and the Librarian at the Colonial Office has forwarded to us, since that period, several, sometimes separate Acts and sometimes a small volume of the additional Acts of the different Colonies, as he has received them, for our use ; but as yet our sets are very imperfect indeed. In regard to the other papers alluded to, I am not aware of any proceedings having been taken to procure them for the Library.

20. From the Catalogue of the Library now produced, it appears that the House of Commons does not possess the Lords' Cases, cases heard and determined by the House of Peers ?—It does not.

21. It appears by the Catalogue that the Library of the House of Commons possesses no complete set of the London Gazette ?—We have got them for several years back ; from the year 1795, I believe, not further back than that ; we have them now every year.

22. It also appears that you have no collection of the Private Acts which have passed the two Houses ?—I think we have one of the best collections of those, that is extant. In the year 1829 a large set was made over to us from Mr. Dorington's office, the Clerk of Fees, consisting of Road Acts and Private Acts.

23. In the Evidence of Mr. Whittam, in the year 1825, it was stated, that in a room in the House, belonging to the Clerk of the Journals, which office that gentleman at that time filled, there were complete sets of the printed Papers, from the year 1731 to the year 1800 inclusive ; has that collection remained in the custody of the Clerk of the Journals, or has it been removed since that time ?—There is still a set of the Printed Papers in possession of the Clerk of the Journals, directed to be perpetually preserved in his Office.

24. Does there exist, to your knowledge and belief, in any repository of books in the kingdom, a complete set of the printed Papers of the Commons House of Parliament ?—I believe not.

25. Is it within your knowledge or belief that by any means within the power of the Treasury a complete set could now be made up ?—I rather think not. We have 10 volumes of Bills between 1731 and 1800 included in those Sessional Papers alluded to in the Evidence of the Clerk of the Journals ; and I should think there must be several deficient, and many papers also.

26. Has the Treasury taken any cognizance of the Library, or have you any means of increasing the stock of books ?—No, I have not.

27. Then it is not any body's business to ascertain whether any books that might be of value to the Library of the House of Commons come into the market ?—No.

28. Have you any collection of the Proceedings of the Scotch Parliament, as distinct from the Acts of that Parliament ?—None whatever.

29. Have you any collection of the Proceedings of the Irish Parliament, as distinct from the Acts of that Parliament ?—We have the Journals of Lords and Commons, and the Debates, of the Irish Parliament, except the last volume (the Union volume), which I believe it is very difficult to get. There have been very considerable pains taken to procure that particular volume, both by the Treasury and by Sir Henry Parnell personally. We had two sets sent over from Ireland, in hopes that one might contain that, but it did not ; they called it a complete set without that volume, for it was impossible to obtain it.

30. What available space is there for any increase of books, reckoning only such increase to consist of the Sessional Parliamentary Papers ?—At the present moment there is not I should say an inch of available space in any of the rooms I have under my charge containing books.

31. Have

*Thomas Vardon,
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15 May,
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31. Have you any Catalogue of the Lords' Library?—It is not printed. They have a manuscript copy. Their Library consisted principally of Law and Parliamentary Books, till within the last year, since which they have purchased a large quantity of other books.

32. What number of Members ordinarily attend the Library, and avail themselves of it?—It varies very much indeed; the greatest number that I have ever seen in the Library in the course of a day has been about 95; there is generally, I should think, from 60 to 80 daily; it has very much increased of late. The annual increase of the Sessional Papers is now so much greater every year, as to render more room absolutely necessary. Here is a list of the manner in which the Sessional Papers have increased; the number it has increased each year.

The Volumes printed every Year are as follows:

1801	7	1812	11	1822	22
1801/2	7	1813	14	1823	19
1802/3	10	1813/14	14	1824	24
1803/4	11	1814/15	13	1825	27
1805	11	1816	19	1826	29
1806	19	1817	17	1826/7	26
1806/7	9	1818	17	1828	27
1807	5	1819	18	1829	26
1808	15	1819/20	4	1830	33
1809	12	1820	12	1830/1	16
1810	15	1821	23	1831	20
1810/11	11				

33. Is the Library at present open all the year?—Yes.

34. From what hour to what hour is it open in the day?—During the Sitting of Parliament, from ten in the morning till the House rises at night: and during the Recess, from ten in the morning till four.

35. Are you aware whether this is the case with any, and what other public library?—It is not with any I am acquainted with.

36. Is the Library during the Recess much frequented, and if so, at what part of the Recess is it most frequented?—I should say for the first two or three weeks after the House is up; while Members are lingering in town, they have either to complete Reports, or superintend the printing of them, or some arrangement of that description to conclude, that there are sometimes a few Members there, on an average seldom more than two or three in a day; after that time, I have sat for months in the Library, and never seen a single person.

37. What portion of time is necessarily occupied in arranging and cleaning the books and the Library?—It takes about a month to go over the books, to see that we have lost none, and if mislaid, to find them in different parts of the House of Commons, and to see the rooms properly cleaned.

38. During that period, the Library is practically closed already?—Yes.

39. You keep a List, as has been known, and is known to most of the Members attending the Library, of all Parliamentary Papers for which motions have been made?—Yes.

40. Do you find that the same Papers, either exactly or with slight alterations, are again and again ordered to be printed by the House?—Yes. Perhaps where regulation would be most beneficial is as to dates; a Return will be moved for, for one year, from January to January, then there will be the same Return moved for from that January till the next April, and then some other Member will move for the same account, including part of the period already returned.

41. Have you formed any plan for obviating that inconvenience?—I have taken considerable pains since the Chairman mentioned it to me the other day; but it is a thing, the more looked into, the more difficulty it involves, to draw up any plan of regular annual accounts, which would contain enough information to satisfy the House that more accounts were not wanted; I think it is possible, but it would require the assistance of gentlemen who have been in office, and paid attention to that department of business, to form any such plan as would satisfy the House. It seems to me, something similar either to the present form of the Finance Accounts, or an enlargement of them, would very much answer the purpose; the Finance Accounts are the best, I think, laid before the House; they have very good Returns in them of Imports and Exports, and the amount of duty on each article separately, and the sums total, which include the Excise and Customs; very good Shipping Accounts also; and frequently during the Session the very Papers are moved for

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which are contained in the Finance Accounts that is, a Member will move for an Account of the quantity of any article imported in the year, and the duty thereupon; which information is frequently contained in those Accounts.

42. Have you a List of the Books which have been applied for by the Members?—Yes.

43. Is that the List?—That is it.

44. What is the salary which, as Librarian of the House of Commons, you now receive?—Three hundred pounds a year is the salary.

45. Are you aware what is the salary of the Librarian of the Home Office?—It is contained in the Parliamentary Paper, No. 92, Sess. 1830–31.

46. Have you any other advantages, house, coals, candles, or any thing of that sort?—No, nothing of that sort.

47. There is a Return moved for and laid in print on the table, with reference to the salaries and incomes of the Officers about the House, going down even to the Messengers:—without inquiring into the salaries of other persons, what is the salary so returned of the Messenger of the Library?—All salaries connected with the House of Commons are printed and returned to the House.

48. Have you any Index of the Private Acts?—No.

49. Have you any Index of the Local and Personal Acts?—None, except the annual list.

50. There is no General Index even of that collection of the Local and Personal Acts now in the Library?—No, there is no General Index; in the year 1829, Mr. Spiller wished very much there should be one; and while I was Under Librarian, he formed his plan of the way in which he wished it to be made, and I commenced working on that system, and have brought it down in manuscript till the year 1827, but it yet wants arrangement and examination.

51. Have you any Index to the Papers in the Appendixes to Reports of Committees and Reports of Commissioners?—We have no Index at all to the Appendixes of Reports, which I think is a great desideratum, for Committees are usually formed of those who understand the subject best, and they generally order those accounts to be laid before them which are of most value with reference to the subject referred to them; these Appendixes are bound up at the end of the Reports; they are at the time seen by the Members who form the Committee; afterwards there is an application made at the Library for what they wrongly, but naturally, call an Account or Paper laid before the House, for which we, having no reference at all to these Appendixes, can search in nothing but the Index to the Accounts and Papers where it is not; it is still insisted on that such a paper does exist, and then, after perhaps a very great deal of trouble, it is found out in an Appendix to a Report; but beyond that there is no means of reference whatever to those Papers. In the Sessional Index of Session 1831, Messrs. Hansard have, for the first time, noticed the Papers laid before the Select Committees of that Session, which gives considerable assistance as a reference to the Papers laid before Committees.

52. Does that allude to a particular Report, or does it allude to the Reports of Committees generally?—To the Reports of Select Committees only.

53. Have you any Index to the Petitions and the Votes of each Session?—There is an Index printed to each volume of the Journals each Session.

54. That Index being alphabetical in respect to subjects, and not being alphabetical in respect to places, you are obliged to refer over many pages, in order to discover when a petition from a given place was presented, or whether any such petition was ever presented?—Yes.

55. How many pages of folio, double column, may in your judgment have occurred in any one Journal, in reference to any one subject, all of which pages and columns must be examined in order to discover any particular name?—The greatest number, I think, was in the Slavery petitions of last Session; there the number of pages was 26.

56. Can you suggest any mode by which the Index should be made alphabetical as to place as well as to subjects?—It would be merely turning those columns into alphabet.

57. By whom is the Index to the Journals at present compiled?—It is done under the superintendence of Mr. Bull, the Clerk of the Journals.

58. Such an alteration being found very convenient in the General Index to the Journals, would it, in your judgment, be equally convenient in an Index to the Journals of each Session?—I should conceive so.

59. Have you any General Index of the Papers furnished by the House of Lords?—None whatever.

*Thomas Verdon,
Esq.*

*16 May,
1838.*

60. Is it in your knowledge that the House of Lords possess any General Index?—They do not:

61. In the absence of an Index, reference then is of course in proportion difficult?—Certainly.

62. And the collection is in proportion valueless?—Just so.

63. Are Members in the habit of coming and consulting you before they move for fresh papers, to ascertain whether the information which they desire be or be not already in existence on the table of the House?—Not generally; since the Report of the last Committee, I think those Members who attend most to the business of the House have applied on several occasions to know, but not generally.

64. Would it, or not, save considerable expense, as well as considerable trouble, to the State and to the departments?—I think it might.

65. Have you ever had occasion, since the Report of the Committee of 1830, to send to the Colonial Office for any laws of the Colonies in their possession, and not transmitted to the Library of the House of Commons?—Not since 1830; they have been often asked for, but not sufficiently urgent to render the necessity of an application to the Colonial Office.

66. The application being probably made while a debate was going on?—Yes,

67. But it is in your judgment clear that a complete collection of the Acts and Proceedings of the Colonial Legislature is essential to the due formation of a Library for the business of the House of Commons?—Certainly.

68. Have you made any estimate of the additional space which will be wanted, the number of square inches which will be wanted in surface, for the books of each succeeding Session?—No, I have not; but 40 volumes would require about 60 inches; I should think they would require five or six feet in length every Session.

69. And about what height?—The volumes are about 18 inches, and the Journals are about two feet.

70. So that you may say about ten superficial feet?—Yes, at least.

71. For books connected with the Parliamentary Proceedings of this country, and such only?—Yes.

72. Without taking into consideration or calculation any accession to the Library of any other kind and from any other source?—Just so.

73. Are strangers in the habit of attending the Library, and if so, under what circumstances, by whose order, and from what time to what time?—Strangers at present frequenting the Library, are permitted to remain there from the hour of ten till one, under the signature of The Speaker, which is given by him on the application of a Member for permission for any person to attend.

74. Are those generally strangers who are consulting the Library, or are they clerks to the members?—I think generally for their own purposes.

75. Has the permission so granted to strangers to read in the Library, been within your knowledge or belief attended with any abuse?—I have understood so.

76. Will you state to the Committee any instance of such abuse?—Mr. Spiller did mention to me once, that he believed short-hand notes were taken of a conversation in the Library, at the time the Members were consulting on some point; but I am not aware of this circumstance of my own knowledge.

77. In point of fact, have Members complained to you of the noise of talking generally in the Library?—Yes.

78. Has any plan been suggested to you, or has any plan suggested itself to you, for enlarging the accommodation of the existing Library, other than that which was suggested to the last Committee by the present Sir John Soane?—Except that suggested by Mr. Ley, in his Evidence before the last Committee.

79. Do you conceive it essential to any plan of the Library, that the whole should be within one room?—No, I think it would almost be better, considering the present state of the building, that it should be in more than one room.

80. But with reference to your own general superintendence over it, and the power of being useful to the Members who make use of it, would more than one room be convenient?—Yes, I think it would, considering the state of the thing altogether. If you were going to build a Library from the ground, I should say it would be better all in one, but as that is impracticable now, I think it is possible to do very well. I do not see any objection to the Library having distinct rooms.

81. With respect to the General Index of the Papers which has been prepared, can you state to the Committee in what state of forwardness it is, and from what time to what time it is proposed to complete it?—An Index to the Accounts and Papers was printed in the year 1826, owing to the recommendation of the Library Committee of the House of Commons; by Messrs. Hansard, of all the Bills, Reports, Accounts

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Thomas Vardon,
Esq.

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and Papers laid before the House of Commons from the years 1801-1826. From that period to the present time, which includes seven Sessions of Parliament, the means of reference are merely to the annual Index printed at the end of each Session. There have been several applications for this Index; several Members have asked whether it could be got, and I understand from Messrs. Hansard it is out of print. I believe there has been some wish expressed that it should be re-printed, and Mr. Spring Rice has suggested within the last month the necessity of it; and certainly it is the most useful and absolutely necessary Index which we have in the Library of the House of Commons, for it is the only means of reference to the Accounts and Papers which are annually laid before the House. At the present moment we have about 150 volumes, without a general means of reference to them. Now if this Index were re-printed, it would be necessary that the subsequent years from 1826 should be consolidated up to the end of the last Session before it went to press, which might be done without enlarging the size of the present volume, as several of the heads might be consolidated, and many minor improvements made, which would not increase the bulk. To revert to a subject mentioned before (the Appendixes to Reports) the want of an Index to the Papers laid before the Finance Committee was so much felt, that Mr. Spiller and myself were obliged to make an Index to the Reports and Papers laid before that Committee, for those papers happened to be more used and more thought of than those generally laid before Committees; and although it went to seven volumes, it was merely considered the Appendix to the Finance Report.

82. What is the sum paid for making an Index to each volume of the Journals at this moment?—I do not know.

Luke Graves Hansard, Esq. called in; and Examined.

Luke G. Hansard,
Esq.

83. THE classification of Parliamentary Reports, No. 81, 27 Feb. 1830, now in your hand, was compiled, the Committee understand, in consequence of a recommendation of the Committee which sat in the year 1825, by you or by your Firm? —By myself, under my Father's directions.

84. Have you formed any plan for continuing such classification?—It has occurred to me that if the Committee should think proper to sanction the re-printing of the General Index to the Sessional Papers from 1801 to 1826, that it would be very desirable to continue the classification of the Papers from 1826 up to the present time, upon a plan similar to the classification laid down and recommended by the Committee of 1825.

85. Would you recommend that a second series should be prepared up to the present time, for the use of the Library of the House?—It appears to me that that would be very advantageous; but that second series might not of necessity be considered as a permanent series, but in case in the course of any given time (say seven years) when the Papers are accumulated to a greater extent, and another arrangement might be thought proper, then a permanent classification might be made to take the place of this temporary one, and thus become a permanent second series. The present proposed arrangement, it appears to me, would be useful for the purpose of the Library.

86. To what other Libraries, in addition to that of the House of Commons, have series of Reports and Papers from 1801 to 1826 been made up and transmitted?—A set has been placed in The Speaker's Library, in the Library of the Treasury, one for the Duke of Wellington, and one for Sir Robert Peel; and there has been recently a complete set directed by The Speaker to be prepared for the Library of the French Deputies.

87. By the term "complete set," are the Committee to understand as complete as you from your stock in hand can at present make it up, or literally, a complete set or complete sets, as the case may be?—Certainly I should have made that reservation, as complete as the stock would permit. I meant the word complete to apply to the volumes arranged from 1826, sessionally, up to the present time, which are included in the set which has been sent to the Chamber of Deputies.

88. How many articles have been ordered to be printed by the House of Commons from 1801 to 1826?—About 6,580 articles.

89. How many of those articles are at this moment out of print, that is to say, no longer to be found in your stock?—About 280.

90. What proportion of the remainder may be in store in very small quantities?—There are 2,382 articles, of which there are not more than from 12 to 50 copies, and there are 2,900 articles, of which there are not more than from 50 to 100 copies;

copies; of 609 articles, there are from 100 to 250 copies; and of 410 articles, there are upwards of 250 copies in store.

Luke G. Hansard,
Esq.

15 May,
1832.

91. Of the articles wholly out of print, and out of store, do you find many for which applications are made to you by Members of the House under orders from the Speaker?—Of the Reports, certainly there are many for which applications are frequently made. There are above 74 Reports out of print, 36 of which are included in the classification of 1801–1826; and of the Accounts and Papers, there are about 206 out of print. The applications for them specifically are not to so great an extent as for the Reports; and the deficiency is found generally when selected articles, separately or in classes, are desired on particular subjects.

92. Do you keep an account of the applications made for particular Papers, so that you could furnish to this Committee a statement of the proportion in which any given Report may or may not be an object of research among Members?—I am apprehensive such information could not be furnished; but subjoined is a list of the Reports alluded to.

93. Is the General Index to Sessional Papers one of those now out of print?—It is.

94. Has it to your knowledge and belief been found of great use, so far as you can infer from the frequency of applications?—Judging from applications made for it, I should conceive it has been found of considerable use. The experience that we have of its utility, is derived from the use which is made of it in forming selections of Papers that are required either by Committees of the House, by Members, or by the Public Officers, and persons in Administration. When any subject is under discussion requiring information on any particular point, then applications are made to us for a selection of Papers, either individually or collectively, on those subjects. Without the means which that Index affords, we should find extreme difficulty and great delay in making the selections required; but with that we find the Papers with great facility, and are enabled to furnish them with accuracy and expedition.

95. The Committee presume, if the House of Commons were pleased to order a re-print of that General Index, it would be thought expedient to incorporate therewith the Sessional Indexes since its compilation; what is your opinion with regard to that?—I should think unless that were adopted, it would diminish the utility of re-printing it very greatly.

96. Have directions been given to you in furtherance of that suggestion by The Speaker, for the purpose of incorporating it?—Certainly; communications have been had with The Speaker; and in consequence of the applications which he understood were made for that Index, he has directed us to be prepared in collecting the materials for that incorporation when it should be thought proper to be adopted.

97. What has been the number of volumes printed by order of this House, sessionally, since the date of the Index to which the last questions have referred?—They form 148 volumes.

98. Have you a list of the way in which they are subdivided, as to Bills, Reports and Papers?—I have. The same is as follows:

Number of Volumes from 1801 to 1826; see Classification and Breviate, pp. 1. 3.

Number of Volumes from 1826–7 to 1831, as follows:

	Vols.	Vols.
Sess. 1826–7 :		
Bills	2	
Reports	11	
Accounts and Papers	13	26
Sess. 1828 :		
Bills	3	
Reports	12	
Accounts and Papers	12	27
Sess. 1829 :		
Bills	2	
Reports	12	
Accounts and Papers	12	26
Sess. 1830 :		
Bills	3	
Reports	13	
Accounts and Papers	17	33

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<i>Date G. Howard, Esq.</i>	<i>Sess. 1830-1:</i>	<i>Vols.</i>	<i>Vols.</i>
	Bills	2	
	Reports	2	
15 May, 1832.	Accounts and Papers	12	
			16
	<i>Sess. 1831:</i>		
	Bills	3	
	Reports	9	
	Accounts and Papers	8	
			20
	Total		148

99. Could the Index, as completed according to the last suggestions, be prepared and made ready for the use of a succeeding Session of Parliament during the Recess of the present?—I should expect it might, if the Recess were of an ordinary duration.

100. In reference to that classification, is there any suggestion which you would desire to submit to the Committee with respect to the compilation of Indexes to any separate Reports, or any other Papers, progressively or otherwise?—This classification, and the Breviate of the contents of the volumes, were designed as a substitute for the want of Indexes to the particular Reports which are there enumerated. To the Reports which have been subsequently printed, at least the most important of them, separate Indexes have been compiled during the progress of the Session, such as those on the State of Ireland, on East India Affairs, on the Poor Laws, and several others. It has occurred to us, that it would be of very considerable advantage if separate Indexes were made to the Reports which are contained in this classification. This might be done progressively, and as opportunities occurred. These would then form one collection of Indexes, giving a complete mode of reference to all the most important matters which are contained in the Reports of this period.

101. In reference to the state of the Papers of the House of Commons which have been printed by your House, can you state to the Committee any general observations with respect to their extent, the quantities now in store, and the means of preservation?—The quantities of printed Papers now in store are very considerable. It is our constant endeavour to make the best arrangements for their preservation in commodious and safe warehouses. These now consist of three substantial buildings, besides parts of our two Printing Offices, which are applied to the same purpose. I will explain the arrangements which have been adopted for their preservation, and for the quick and accurate mode of having recourse to them as wanted for the purposes of the House. The Papers that we have under our care are divided into two main heads, the Journals and the Parliamentary Sessional Papers. Besides the portion of Journals deposited in the warehouse in Abingdon-street for the immediate use of the Members, another portion is deposited in one of our warehouses; and a third, and the largest portion, in another warehouse; by which means every care is taken to prevent any accident that might arise from fire or other misfortune attending them. The same observations will apply to the Parliamentary Papers. These are divided likewise into three portions; one large portion is deposited in a warehouse in the immediate neighbourhood of our Printing Offices, but detached from them; another portion is deposited in a warehouse likewise distinct from them; and a third portion, for immediate use, is deposited in our Printing Office. It had always been a great object with our late Father to adopt this mode of arrangement, in order that the Papers, which he always esteemed of great value, should not be exposed to entire destruction by calamity of fire, and thereby produce any inconvenience to the Public Service; and as these Papers are not insured against such accidents, and are exposed to considerable risk, we considered that that was the best mode of providing for their safety. This subject has been frequently mentioned to The Speaker, and has received his approbation.

102. In your Evidence on the 30th of June 1825, it was stated, that the difference of expense between re-printing the 15 volumes of Reports in a large size, and in a small size, would, you feared, be equal to nearly 50 per cent.; and that question and answer were followed up by another, "Would it be 50 per cent. more in 'the smaller size?'" to which you replied, "Yes":—are the Committee to understand, by these questions and answers, that in your judgment the expense of re-printing the 15 volumes in a small size would be greater to the extent of 50 per cent. or to any extent

extent at all, than would be the expense of re-printing those Reports in their original present size, a misapprehension appearing to exist between the Report to which that Evidence is annexed, and the Evidence itself :—I am apprehensive that the question at that time was not distinctly understood as referring to the 15 volumes only ; but that the answer was made under the supposition that the question referred to the printing a continuation of the Reports from 1801 to 1826, either in the large or the smaller size. It occurs to me, upon the short consideration that I am able now to give the subject, that the 15 volumes might, if reprinted, be so arranged as not to exceed the expense of re-printing them in the large size.

*Luke G. Howard,
Esq.*

15 May,
1832.

John Henry Ley, Esq. called in ; and Examined.

103. IN your examination on the 10th of May 1830, before the Select Committee on the Library of the House of Commons, you suggested a part of the building belonging to the House of Commons, in which if it were desired to increase the accommodation for the Library, such accommodation could most adequately and desirably be found ; do you retain the opinion you then expressed ?—Yes, I consider that the best and most economical way of proceeding : as the Officer of the House of Commons, under whose superintendence the Library is placed, I have drawn out a Report relating to the Library, in which I have stated what my opinion is ; with the permission of the Committee I will read it.

*John Henry Ley,
Esq.*

**Report and Suggestions of the Clerk of the House of Commons
respecting the Library.**

The books at present in the Library amount to about 4,100 volumes, consisting of books relating to general history, and also complete sets of all books and papers relating to the transactions of the Parliament, up to the present time. The room is completely filled with books, and some arrangement must be made for the purpose of admitting the usual Sessional Papers, which generally amount to about 40 or 45 volumes. Many books are frequently inquired for, which are not in the Library ; and although it would be quite out of the question that every book which every Member might suggest as proper to be added to the Library, should be added to it, yet there are many modern books, and also law-books, which it would be very convenient to have placed in the Library. The sum of about 2,000*l.* has been expended in books, but it was expended in books not of a description to be of much use to persons in the habit of frequenting the House of Commons' Library, although they were books which ought to form part of such a Library ; and although it may be doubted whether it might not have been more desirable to have, in the first place, formed a complete Library of modern books, connected with the transactions of the last century, than to have expended the money in books relating to more remote times, yet there is no reason why the House of Commons should not be enabled to buy books of both modern and ancient date for their Library, and that it should be made perfect for all practical purposes. It is suggested, then, in the first place, that the sum of 1,000*l.* or 1,500*l.* should be advanced by the Treasury for the purchase of such books as may now be considered wanting, and that there should be an annual advance of 300*l.* or 500*l.* for the purpose of continually and gradually adding to the Library. If there is an addition to the books, some means must be adopted for obtaining more room for them. It is suggested that the plan proposed to the last Committee in the Evidence of the Clerk of the House of Commons, is the best plan which can be adopted, namely, to take the whole building without any alteration, for the purposes of the Library, and that each room should be fitted up in a commodious manner, and the books classified in the different rooms as proposed in that Evidence. In regard to other points, it is suggested that a considerable inconvenience arises from strangers being admitted into the principal rooms, which ought to be kept entirely for Members ; strangers can have no business in the Library, but to consult Parliamentary Documents ; these they may consult to any extent by application at the Journal Office, where, however, they would be charged a fee ; but supposing the House should consider that some strangers should be allowed to examine Parliamentary Documents free of expense at the Library, it would be infinitely better to have a Stranger's Room, where all the Parliamentary Records might be, than to give them access, during any part of the day, to the principal room, which should be set apart for Members, and for Members alone ; it is therefore suggested that no stranger should be allowed to come into the principal room for the purpose of study, although it might not be objected to a Member bringing in a stranger with him, merely to show the Library, and only to remain as long as the Member. The Salaries of the Librarian and Sub-librarian are paid by the Treasury ; that of the Librarian is 300*l.* and Sub-librarian 150*l.* a year. The Librarian has an allowance of 80*l.* a year for making an Index for the Library, and the whole which he receives in respect of the Library is 380*l.* a year. It is of the greatest consequence to the Library, that the Librarians should be permanent ; and if they are to be permanent, their salaries ought to increase, so that they may have incomes equal to Clerks of the Establishment of the same standing, otherwise the Librarians will consider themselves entitled to be promoted in the other offices, and the Library will lose its Librarians just when they are beginning to know their business.

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104. Supposing

*John Henry Ley,
Esq.*

15 May,
1832.

104. Supposing the above plan for increasing the Library were carried into execution, what increase in the establishment of the Library would, in your judgment, thereupon become necessary?—I should think it would be necessary to have two Clerks to be employed under the head Librarian, and also two Porters or Messengers; the Establishment then would be, a Librarian, a Sub-librarian and two Clerks, one Clerk on each floor, and the Librarian and Sub-librarian in the principal room.

105. For what purpose do you employ the rooms which are below the present Library?—For Petitions presented to the House; the Petitions were found to accumulate very much in the office, and it was necessary to have a room on purpose for them.

106. What reference exists to the Petitions on any given subject in any given year?—There is a schedule made of every Paper presented to the House of Commons, and you may have any Paper in the course of five minutes, or any Petition.

107. Can you state to the Committee what space is now occupied in the building of the House of Commons by the originals of Petitions and ancient Records presented to Parliament?—Presses are put up in every place in which they can possibly be put up, and the presses are full; so that considerable difficulty now exists to put away the original Petitions and Papers that are presented to Parliament.

108. What class of Papers, or classes of Papers, is it the practice of the House to preserve?—Every Paper is preserved, every Account and every Petition that goes through the House in any way.

109. And do you conceive that any use exists in the maintenance of these original Papers?—Certainly not, in most instances, especially all the original paper Bills:

110. From what period does any such collection exist in the House of Commons?—I do not know exactly from what period they exist.

111. Do you conceive that there would be any objection to removing to some place of record the original Bills and Papers of Parliament?—I think a great number of them might be destroyed, without any prejudice to any body.

112. But you do not conceive any necessity for keeping within the purlieus of the House of Commons the originals of these Papers, which exist generally in print?—No.

113. Can you state to the Committee whether there would be any inconvenience or difficulty in procuring the insertion of the name of each Member on whose motion any Petition presented to the House of Commons shall have been ordered to be printed, such name to be inserted preceding such Petition in the Appendix?—There would be no inconvenience in putting it in the Appendix; there would be very great inconvenience in putting it into the Votes themselves.

114. Can you state to the Committee the sums expended by the Nation, either under the incidents of the Treasury, or the incidents of the House, or any other way, for the compilation of Indexes to the Proceedings of the Commons' House of Parliament?—There is an Index to the Votes for the table of the House, which is charged 160*l.*, and a copy of the same Index for the Journal Office, 100*l.*, and the Index to each volume of the Journal, 300*l.* The Librarian makes an Index to his Votes for his Library, which is 80*l.* Mr. Spiller was also employed in making the General Index to the Journals. The last volume of the General Index comes down to 1820; then from 1820 to this time the Index has been carried on by Mr. Spiller.

115. Is it now carried on?—It is, by Mr. Vardon.

116. Do you know of any others?—No; the Index to the Votes and the Index to the volumes of the Journals are made in the Journal Office, and the Index to the Votes in the Library is made by the Librarian, and then there is a General Index for about twenty volumes of Journals, which is in a state of compilation by Mr. Vardon, taking it up from Mr. Spiller, for which he receives 120*l.* a year.

117. You limit your observations to the compilation of Indexes to the Journals and to the Votes of the House?—Yes.

118. Would you suggest any period during which the Library should or should not be closed?—In common Sessions, when the Parliament is up in July, I think the Library might be certainly closed for three months. The Library is a Library for Members; there is no necessity for keeping it open for strangers. I scarcely see any necessity for keeping it open for more than a fortnight before Parliament meets, and a fortnight after it is up.

Veneris, 18^o die Maii, 1832.

SIR R. H. INGLIS, BART. IN THE CHAIR.

IN the course of the morning, the Committee proceeded to examine the Long Gallery, and the Presses therein, the Ingrossing Office, together with the inner Room belonging to it, and the Presses therein, the Room under the Library where Petitions and other Parliamentary Papers have been deposited within the last four years, and the Rooms under the Long Gallery, where the Deliverer of the Votes and Printed Papers keeps a supply or store of such Papers, for the more immediate use of Members.

John Bull, Esq. Clerk of the Journals and Papers, called in; and Examined.

119. BY the Evidence given by you in the year 1828, before the "Select Committee on Printing done for the House" it appears that all Papers which are ordered by the House to be printed, are committed to your charge, and are dispatched by you to the Printer?—Certainly.

120. And it also appears, that when they are returned from the Printer they are deposited in your office?—Yes, they are.

121. It also appears, that immediate facility may be had in inspecting Papers whenever occasion requires, the Papers being arranged in such a manner as to render them perfectly accessible?—Certainly; we have schedules of all the Papers annually made out, so that by reference to these schedules any Paper may be found.

122. Will you have the kindness to present to the Committee one of the earliest Schedules in your possession, and also one of the latest?—This is one of the earliest, [*delivering it in*], and this [*delivering in another*], is one of the latest; there are no dates to some of these, but on looking to the earliest schedule, it seems that there are Papers inserted in it which appear to be miscellaneous Papers during the reigns of Elizabeth and James the First, consequently much earlier than any which appear to have dates in this.

123. Be good enough to state what is the earliest date in the volume now in your hand, being the earliest schedule produced by you?—The earliest date is 1607.

124. To what date do the Papers extend which are scheduled in that volume?—As far as 1699.

125. In what depositories are the Papers preserved which are so scheduled in that volume?—In the presses in the Long Gallery; the earliest Papers are deposited in the presses farthest south in the Long Gallery, and all the Papers enumerated in the volume which I now hold in my hand, are contained in the three presses in that direction; the last schedule begins in 1828, and finishes in the second Session of 1831, that is, the Summer Session of last year, and it occupies a large folio volume, and the Papers are all contained in twelve double presses. As it is quite impossible to ascertain the space which the Sessional Papers will occupy till they are deposited in the presses, it is the practice, in making the schedule, to refer to one press only, although they may occupy two or three double presses.

126. Are there any Papers in your custody which are not scheduled?—That question I cannot exactly answer; for it appears I have three schedules to which I have never had occasion to refer; nor have I any recollection of their ever having been referred to. Whether they are schedules of a quantity of Papers preserved in the inner Ingrossing Office or not, I cannot tell.

127. From an examination of the Papers in the inner Ingrossing Office, made by this Committee, it appears that a considerable proportion consists of volumes; is there any Index to any one of these volumes, or to the whole collected together?—I am not quite sure whether the three volumes of Schedules which I now produce have reference to those Papers or not; I rather think they have; I have never ascertained the fact, never having had occasion to refer to them, and therefore I cannot speak positively.

[*The Witness here delivered in three Volumes, marked "Catalogue of Printed Books, Journal Office, 1495-1659."*]

128. On an examination of the first of these volumes, which is lettered "Catalogue of Printed Books, Journal Office, 1495-1659," it appears to contain a very large miscellaneous collection of books and pamphlets upon Politics, History, Religion; in English, Latin, French; are you aware where the books entered in such Catalogue are now deposited?—I have not the least knowledge on the subject, never

24 MINUTES OF EVIDENCE BEFORE SELECT COMMITTEE

John Bull,
Esq.

18 May,
1832.

never having had occasion to refer to them. I found these three schedules in an inner press, where they had been kept for many years.

129. When you found them, were they lettered as they are now?—Exactly in the same way as you now see them.

130. The Committee understand that you do not know, and have no reason to believe, that the books entered in the Catalogue you have just delivered in, are at this moment in the possession of the Commons' House of Parliament?—I really do not know that they are; I have no knowledge of it one way or the other.

131. The Committee wish that before their next meeting you would be good enough to prepare the access to the actual depositories where it is probable these Papers may be stowed?—I have no Places for papers any where but the presses which I have mentioned, and those which contain the regular series of Parliamentary Papers.

132. The Committee understand that the three volumes of Catalogues which you have delivered in are volumes received by you from your predecessor, without any note or comment from which you can collect any thing more than that they are mere Catalogues?—Certainly.

133. The Committee wish that the Papers in the inner Ingrossing Office may be looked at before their next meeting, with a view that you may be enabled to state more precisely what the contents of those presses may be?—The Papers in the inner Ingrossing Office do not appear to belong to my office as Papers to which I can refer; they are in my custody, but I have no means of referring to them that I am at present aware of, unless these schedules should, upon examination, appear to belong to them.

134. In the event of books corresponding to the titles in the Catalogues delivered in being to be found in your possession, is it expedient that they should remain in your custody, or might they not be transferred to that of some other person?—I think they may be very properly transferred to the Library of the House of Commons; I think that is the proper depository for them.

135. By our next meeting you will be good enough to examine more completely the state of the Papers in your custody, so as to enable you to state that the articles enumerated in the Catalogues do or do not remain in your charge?—I will.

136. Or if you could, from any record in your possession, trace out the history of these identical volumes, or how they were made up?—I believe Mr. Whittam, my predecessor, had them bound up in order to preserve them; how he came by them I do not know; I suppose he found them, as I found them, in the office, where they had been left by his predecessor.

137. Are there many presses under your charge which you have never examined?—No; I know what is in every one of my presses, with the exception of those in the Ingrossing Office; the whole of the inner presses in the Ingrossing Office I have not examined.

138. The Committee observe a stamp, apparently with the letters S. G. affixed to a large number of articles in the Catalogues which you have delivered in; can you state what is the meaning of the letters so stamped?—I have no knowledge of that.

139. Are you aware whether any books were ever removed from the immediate custody of the officers of the House of Commons, into The Speaker's Gallery?—I am not.

140. You produce a bundle of papers; from what depository does that bundle proceed?—From the presses in the inner Ingrossing Office.

141. One of these is endorsed "Brought in by Mr. Collitt, 25 March 1713-14;" will you refer to the volume of the Journal at that date, and state whether on that day any and what document appears to have been presented or brought in by Mr. Collitt?—I rather think we can be certain that these Papers are not Papers presented to the House of Commons; for, in the first place, I perceive they have not the endorsement of the clerk, which would be found on all Papers presented to the House, neither do we find this Paper entered in the Journal of that date; in fact the House does not appear to have sat on that day.

142. The Committee observe several marks made in pencil in the schedule of the earliest Papers which you have delivered in; how do you account for that?—They were taken out for the use of a Member of the House, and these marks were made to show that they had been collated, and are left in order that they might find their way back to their proper places with greater facility.

143. Is there any adequate space in the existing depositories for the manuscript
Papers

Papers belonging to this House for any length of period?—Certainly not; I should think two or three years will fill up all the space that remains, unless more press-room is found somewhere, according to the present increase of Papers. It will hardly be believed, that in the course of last Spring about 10,000 Petitions passed through my office, which were all scheduled and put away, some of them very large: the greater part of the schedule consists of reference to Petitions only.

*John Bull,
Esq.*

18 May,
1832.

Veneris, 1^o die Junii, 1832.

SIR R. H. INGLIS, BART. IN THE CHAIR.

Sir *Robert Smirke*, called in; and Examined.

144. THE Committee understood, that you requested that (before giving in any formal Plan of what you might consider the most desirable mode of executing their wishes), you might have an opportunity of stating what has been the result of the inspection which you have already taken of the present buildings and precincts. Are you prepared to state such result to the Committee?—Yes.

*Sir
Robert Smirke.*

1 June,
1832.

145. Will you be good enough to state it?—I think I understood from the Chairman, that the object of the Committee was, not only to have an additional space for Books, but more space also for Members; this object might be obtained by connecting the two Committee-Rooms, Nos. 18 and 19, with the present Library by a small staircase, and fitting them up with book-cases. These two rooms will, I should think, give all the additional accommodation which the Committee may require; but if they are taken for that purpose, it would be necessary to provide two other rooms for Committees which, when another plan for enlarging the Library was in contemplation some time ago, it was intended to do by removing the Augmentation Office, and applying that space to the purpose of these additional Committee-rooms: I think, however, it would be quite impossible to convert the Augmentation Office into two Committee Rooms, without some material alteration of the exterior, because the only windows which now give light to that office are but four feet square, and are raised only two feet from the floor. If these two Committee Rooms cannot be given up, I do not see any other plan to be adopted than extending the Library into the garden. I do not think there is any other mode, for there is no space here in which new Committee Rooms could be built, nor could any rooms now existing be appropriated for that purpose, without removing other departments, which would require accommodation some where else. I think if these two Committee Rooms, Nos. 18 and 19, could be given up, you would gain all the accommodation you require at the least expense. The next plan that appears to me expedient, and the next also in consideration of economy, would be the extension of the present Library.

146. In extending the Library into the garden, would there be any capability of forming Committee Rooms over such building?—Not without great inconvenience; they would darken the Committee Rooms of the House of Lords and the apartments adjoining on this side belonging to Mr. Ley, and the eastern end of the present Library would then also be darkened.

147. You mean, then, that the proposed extension shall be made subservient to the Library, and to that only?—Yes.

148. You have taken into consideration all the expense of removing all the books and deranging the Library?—It would derange nothing.

149. Not for a time?—Not at all; the present Library-room might be used till another was finished; I am proposing another room; I would not make it an elongation of the present, but separate it, because I understood the Committee wished to have a room in which those who are desirous of reading could sit conveniently without interruption.

150. But still it would be one room only?—The new room would be connected with the present Library by a large door in the centre of the east end.

151. Would there be sufficient light?—There would be plenty of light; there might be windows on the south side as well as at the end. I should propose to add about 12 or 14 additional feet to the end of the present room, by which as much light might be given at the end of the present Library as can be desired. The bay window, which is at present at the end of the room, would be removed to the end of the new one. There would be nothing over the new building; the space under it might be open on the sides; and arched above, and the whole might be built and finished without inconvenience to the present Library.

26 MINUTES OF EVIDENCE BEFORE SELECT COMMITTEE

Sir
Robert Smirke.

1 June,
1832.

152. Do you think it would completely answer the purpose if we could throw these two Committee Rooms, Nos. 18 and 19, into a sort of Gallery?—No; I should propose to connect them with the present Library by a small private staircase. They must be separate rooms; you would lose the object that is in view if it were made into one room of two stories; for the floor being taken away, you would have no additional space for Members at all; they could not sit in a narrow gallery. It does not appear to me there is any alternative but to sacrifice these Committee Rooms, or to extend the Library.

153. If (retaining the present Nos. 18 and 19 as Committee Rooms) it should be ever thought necessary still further to increase the number of Committee Rooms, could that be done by raising at any time another story over the proposed extension of the present Library?—No, it would darken this next room, No. 19, which receives its light from the side which would form the passage to a new room, and from the end, which you would block up.

154. Would it interfere with both sides?—Yes; you could not give light to it from the north side, being against Mr. Ley's house, and the passage would be on the south side.

155. Does the plan which you have suggested for elongating the existing building propose an elongation below it, or the erection upon arches of a continuation of the present floor of the Library?—I should place the new room upon arches, unless the space below it were particularly wanted for some other purpose.

156. In contemplation of the space being particularly wanted, have you any objection to forming the apartments below?—None whatever.

157. Is there any objection to it?—None whatever.

158. Have you formed any calculation, not committing yourself to details, as to the relative expense of the conversion of the two Committee Rooms, 18 and 19, into the plan proposed; and, on the other hand, of the elongation of the existing floor of the Library?—No, I have not.

159. But you have stated the elongation would be considerably more than the other?—Certainly; the fitting up of bookcases in the rooms would be the same in either case, but the expense of erecting the building to receive them would be entirely in addition. It might be necessary to strengthen the floors of these Committee Rooms, Nos. 18 and 19, if they were to be fitted up for the Library.

160. From your official experience in superintending the business of the two Houses of Parliament, can you state to the Committee whether there is any space in which you could find two Committee Rooms for the service of this House?—None whatever; I inquired very much for a place in which a number of books which were removed from the passage attached to the House of Lords could be put; there were two very large closets in which Papers belonging to the House of Commons were deposited, but I could find no place for them, and we were at length obliged to provide cases in one of the passages.

161. You have no fear that there would be any difficulty in making these two rooms, Nos. 18 and 19, sufficiently strong?—None whatever.

162. You have no fear that these walls might not be made sufficiently strong for the purposes of a Library, if it were necessary to adopt that plan?—No.

163. Have you taken into your consideration the possibility of finding other space for the existing Coffee-house, called Bellamy's, in giving your answer (No. 160), that no space could be found for two other Committee Rooms for the service of this House, in the case of the present Committee Rooms, Nos. 18 and 19, being occupied as parts of the proposed Library?—There would be great difficulty in providing elsewhere for that coffee-room.

164. The space at present under the eastern part of the Library is occupied by Petitions and other Papers presented at the table of the House; have you examined that building with a view to ascertain its dampness or otherwise?—Not particularly.

165. In reference to any proposed elongation of the Library, could you make arrangements for continuing the building below it, under such circumstances as to ensure adequate dryness for the Papers there to be preserved?—It is never desirable to keep Papers upon the basement floor of a building so near the surface of the water. I have no doubt we might take means effectually to prevent moisture getting to the walls; but there is always, in a low situation of that kind, a great degree of dampness in the atmosphere, which nothing but fires or heated air can counteract; I would not willingly put any Papers of value in such a situation.

166. Would there be any difficulty in providing adequate means of warming such a depository by means of fires or flues?—None at all.

167. To what extent eastward have you contemplated carrying the elongation of the existing Library?—That would rather depend on the views of the Committee; the whole space is about 125 feet.

168. By the whole space being 125 feet, do you mean the whole space over which the House of Commons has control, extending from the eastern wall of the present Library to the western wall, facing the River, adjoining the River?—I do not exactly know what ground the House of Commons has control over, for Mr. Ley's garden breaks in several feet upon the line of Cotton Garden.

169. In the event of the proposed elongation of the Library eastward taking effect, would it be necessary to make any alteration in the existing boundary wall, separating the garden of the Clerk of the House of Commons from the area now in front of the Library?—It would be necessary to remove that boundary wall, in order to place it in a line with the north wall of the Library.

170. What space of the garden of the Clerk of the House of Commons do you apprehend would be removed by such an alteration?—I cannot state exactly; about five or six feet.

171. Would any trees of an ornamental character be removed?—One tree, which is close to the House.

172. Does the existence of that tree at present materially affect the light of the present building?—Certainly.

173. Of course, therefore, it affects equally the light of the building adjoining on the other side?—Yes.

174. Does it affect it more or less than the proposed elongation of the Library would do so far as its own length extended?—I should think not; the elongation of the Library would rather take from the pleasurable view of some of the windows, but not much, because the Committee Rooms of the House of Lords project far towards the River.

175. Does the proposed elongation extend to the level of the present House of Lords more or less?—Rather less.

176. Your general view, then, is, to extend the building to such a space as to give the House of Commons an addition of floor and of wall equal, or more than equal, to the existing building?—I do not know what the wishes of the Committee are in respect to the additional space required; it would be practicable to give as much as that, if necessary.

177. Does your suggestion comprehend the formation of an ante-room, taken out either of the existing staircase or out of the existing Library, as well as an elongation on the eastern side?—I should endeavour to provide a small room for the Messenger out of the present staircase, by taking part of the wide landing-place which there is, and by a trifling alteration of the stairs; between seven and eight feet might be got there.

178. With light?—Yes.

179. And with the power of having a stove?—Yes.

180. Could you give in the elongation of the Library any more width, without any inconvenience to the light of the Committee Rooms of the House of Lords?—Two or three feet might be added without any inconvenience.

181. You would consider that to be an advantage, would you not?—I should consider it so, certainly.

[The Committee determined, "That Sir Robert Smirke be instructed
" to furnish a Statement of the Expense of fitting up the two Committee
" Rooms, 18 and 19, for the purpose of a Library, connecting them by a
" spiral staircase with the existing Library, and with a Lobby thereto;
" and that he be further instructed to prepare a Plan and Estimate of the
" Expense of elongating to the East the existing Building in which the
" Library is situate, and forming under it a Depository for the Papers of
" the House."]

John Bull, Esq. again called in; and Examined.

182. SINCE your last examination, at which you were requested to make inquiry into the state of the books catalogued in the three volumes delivered by you, have you made such inquiry, and can you state to the Committee the result?—I can. Since the last meeting I have examined these Papers, and find that the Papers referred to in these three volumes, which I produced last time, are to be found in the places which are referred to; and I have very little doubt, that by a comparison of these Catalogues with the Papers generally, that they will be all found there.

Sir
Robert Smirke.

2 June,
1832.

*John Bull,
Esq.*

John Bull,
Esq.

1 June,
1832.

there, except those that are marked S. G., which I have ascertained were moved many years ago, in Lord Colchester's time, into The Speaker's Gallery, and S. G. means Speaker's Gallery; they are tied up in bundles, and they seem to me to be in good preservation. I think another question was asked me, as to the further contents of those presses in the inner Ingrossing Office. In several of the presses there appeared to be a great number of manuscript accounts, some of which were produced before the Committee, but I could not at that time explain to what they related: I have now discovered that they are a great mass of accounts which belonged to the Commissioners of Public Accounts, and are merely put there to be preserved. We have no means of referring to them, nor do we know what they are, but I have some reason to believe that Reports have been made upon them.

183. By the term, Commissioners of Accounts, do you mean those who sat in 1786 and 1787, or those who sat at subsequent periods?—It must have been very early; I do not know the precise period; but many of them are of an earlier date. I discovered written up inside the presses, in chalk, "belonging to the Commissioners of Public Accounts." They never have been referred to in my time, and I have no recollection that they were in Mr. Whittam's time. I do not consider they were strictly in my custody, for there is no reference to them in the Journals; however, there is this memorandum, in chalk, in the inside of the press, which states them to belong to the Commissioners of Public Accounts. There are several boxes, the contents of which I have no means of being acquainted with; they appear to have been boxes of about 1804; I have very little doubt they belonged to some Committees of that period. There are, besides that, a large collection of Returns relative to the Poor, something similar to those made annually, but of an old date; I understand they are very imperfect, but there they are preserved.

184. Do you recollect the date?—I think somewhere about the old style, and I think they were reported on in the Second Report of Mr. Sturges Bourne; there was something done about them, as far as I could gain any information.

185. But you have no means of reference?—Except those three volumes. I dare say all those books will be found; for I opened several bundles, and found a reference to the letters printed upon them here.

186. And do you find the numbers attached to them?—I only ascertained so much as to show these were the books to which the schedules relate; I believe that in former times the whole Library consisted of these books; they were found in an old press, and they had been there some years.

187. Those that are marked "S. G." were removed, you understood, to The Speaker's Gallery in the time of Lord Colchester; and what are become of the others?—The others are all in bundles in the Ingrossing Office.

188. Do you suppose these came into the possession of the House at some one time, or that it was the habit of the House to go on purchasing pamphlets?—I have no reason to believe that they were bought by the House, but I believe they were in the possession of the Chief Clerk as Clerk of the House of Commons, in whose custody every thing is supposed to be; but how they got there I cannot tell, nor can Mr. Ley tell. Another thing I discovered was, twelve bundles of Petitions; this shows the inutility of preserving Public Petitions after years have passed by; these appeared to be Petitions relative to the Bills for the safety of His Majesty's Person about the year 1796, and against Seditious Meetings, and they were directed to be put by separately; and there is a reference in the Schedules, stating that they were so put by; and I do not believe that they have been referred to since; that is six-and-thirty years ago.

189. In the year 1818, in 1823 and in 1825, there were successive Reports from Select Committees on the General Index. In considering this subject, can you state to the Committee, from any inquiries or examination which you have since made, into what compass a consolidation of the already formed Indexes to the Journals of the House could be reduced?—I have no means of answering that; I have not turned my attention sufficiently to the subject, for that must of necessity be the result of very minute inquiry; you must make up your mind what ought to be omitted and what inserted; if a principle were given, any one could make up his mind, but that would be a responsibility which I think should only belong to a Committee.

* Appendix, No. 5. 190. Will you take this Paper into your hands [a Paper* was handed to the Witness]: can you state in reference to each press as it is there entered, what are the

Papers

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Papers contained therein, by referring to that Paper?—They are in point of fact the original Sessional Papers from beginning to end.

191. What portion of the room contained in those presses is occupied by Petitions?—I cannot answer that.

John Bull,
Esq.

1 June,
1832.

Mercurii, 13° die Junii, 1832.

SIR R. H. INGLIS, BART. IN THE CHAIR.

Sir Robert Smirke, again called in; and Examined.

192. IN reference to the order of the Committee instructing you to furnish a statement of the Expense of fitting up the two Committee Rooms, Nos. 18 and 19, for the purpose of a Library, connecting them by a spiral staircase with the existing Library, and with a Lobby thereto, and further instructing you to prepare a Plan and Estimate of the Expense of elongating to the east the existing building in which the Library is situated, and forming under it a Depository for the Papers of the House; have you prepared, and can you furnish, such a Statement and such Plan and Estimate* accordingly?—Yes.

193. On looking at the Plan marked A., being a Plan for elongating the existing Library eastward, the Committee perceive that you propose adding to the length of the building an aggregate of about 60 feet, being not quite on a level towards the east of the existing building of the House of Lords, and leaving about 70 feet to the River. The Committee perceive, in the first instance, that you propose to form a Room, 15 feet by 23 feet, to receive light from a lantern above, which is also to communicate a portion of light to the eastern extremity of the present building, and that you propose to connect it with the present building by taking away the present windows, and leaving portions of the wall as pillars, and that you propose to place windows north and south, and a chimney under the window on the north side: the Committee also observe, that, communicating with this room so lighted by a lantern, and by the side windows, you propose to carry a new Library, 40 feet long by 25 feet wide, to be lighted by the same windows which exist in the eastern front of the present Library, and which are to be transferred therefrom, and to be lighted further by three other windows to the south: would there be any difficulty in extending the aggregate of the building to the same level with the building of the House of Lords, adding to the intermediate room the difference of the size so obtained for the general purposes of the Library?—There would be no objection whatever, as it would be adding only between six and seven feet to the length so proposed by this Plan, and proportionally to the expense.

194. The difference of expense would not, it is presumed, be very considerable in carrying such elongation into effect?—It would be but a small addition.

195. By the Plan as now proposed, you furnish to the service of the House a new Library, 40 feet long by 25 feet wide; have you calculated what space such addition would furnish for Books?—The space proposed for Books in that Plan would provide for about the same number as there are in the existing Library; or rather more than that number, being in the proportion of about 100 to 90.

196. Would not this proposed alteration have the effect of making the present Library very dark?—I think not at all; for as much light might be admitted by the proposed Lantern as would amply compensate for the windows which are to be removed; I think, on the contrary, the room might be made rather lighter than it is now, the present windows not being calculated by their form to admit the greatest quantity of light which might be expected from their exterior dimensions.

197. The present windows to the east being further considerably obstructed by a large tree further to the east?—Yes, that tree of course excludes much light.

198. By the second Plan delivered by you, marked B., showing the rooms under the present Library, and showing the additional Depository for Papers proposed to be made under the new rooms; the Committee observe that you would furnish two new rooms, one of either 15 or 21 feet, as the case may be, according to the increase before suggested in question No. 193, and also a room below, 39 feet 6 inches long by 24 feet 6 inches wide, with three windows to the east and three to the south; does the Estimate for such rooms include any and what sums for presses or cases for the Papers to be therein deposited?—It does not include the expense of cases for

30 MINUTES OF EVIDENCE BEFORE SELECT COMMITTEE

Sir
Robert Smirke.
13 June,
1831.

depositing the Papers, as that would depend very much on the nature of the cases used; if they are open racks, as used in part of the present Depository, the expense would be very trifling; if they are inclosed presses, the expense would be much greater.

199. The Committee observe, that in the Plan B., now before them, you have marked the presses and cases in the existing Depository on the same floor, and that they extend into every corner of the same, and even in three instances into the staircase and lobbies; do you consider that the existing Depositories are free from damp, and that the proposed Depository can be made adequately free from damp for the safe custody of such Papers as may be placed therein?—I think that some of the cases are placed in a situation where it could not have been intended to have them; and they may be liable to receive some injury from dampness.

200. And the Committee observe with reference to the Ground Plan generally of the proposed Building, first, that it closes an access now open between the west front of Mr. Ley's house and Cotton Garden; and, secondly, that it assumes that five or six feet of the garden now occupied by Mr. Ley, as Chief Clerk of the House of Commons, might be taken for the purposes of the Library; with reference to the first point, are you aware of any right existing in any one to have free access from the west front of Mr. Ley's house to Cotton Garden, or of any injury which may be sustained to the Public Service by closing up that access?—It was my intention to recommend that means should be afforded of entering the garden from the intermediate room, which I apprehend would afford all the convenience that is required for access to the Garden. I am not aware of any person having a right of passage through into the Garden but for purposes of taking care of that and the buildings.

201. Does it lead to any place but the Garden, and is there, or is there not, another access to that Garden on the south side by the House of Lords?—I believe there is another access from the other side, and it leads to nothing but the Garden.

202. Has your official experience, connected with the buildings of the Two Houses of Parliament, led you to believe that there is any public benefit in such access remaining open?—None that an opening in the intermediate room, as proposed, will not equally afford.

203. Is it essential, in your judgment, for any public purpose whatever, that there being an access to the Garden on the south side near the House of Lords, there should remain any other access on the north side, either by the present passage or through the intermediate room?—I am aware of none.

204. Does your Estimate include any cellarage under this building?—There is no space for cellarage under; it includes the expense of excavating the ground underneath sufficiently to keep the Papers dry, but for no other purpose.

205. Is it built upon arches, or is there any mode by which you can effectually keep the Papers free from damp, in consequence of the proximity of the River?—I can effectually prevent the damp from rising; but the dampness of the atmosphere in a building so near the River can only be counteracted by warm air.

206. Then it is of the proximity to the River, and not of the level, that you would be afraid?—Certainly.

207. Does your Estimate connected with the Plan include the expense of warming the new Depository by flues or otherwise?—It includes the expense of warming the rooms in a manner which I should have no doubt would be found perfectly effectual by means of tubes containing hot water.

208. Your Estimate states the aggregate expense at 3,500*l.*, subject to an increase, if the intermediate room should be enlarged as suggested; it includes therefore the original cost of the machinery for warming by hot water, or steam or otherwise, the building now laid down by the Plan; what is the general estimate for the annual expense of so warming a building of the size proposed?—The plan of warming by hot water is found to be the least expensive in the consumption of fuel; nor does it require more than the occasional attendance of a man who would have charge of other fires; it requires very little attention. I beg leave to state that the aggregate expense of the Plan, if that Plan be increased as suggested, will be the sum of about 4,000*l.*

APPENDIX.

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APPENDIX.

Appendix, No. 1.

LETTERS from M. Girod, President of the Chamber of Deputies, Paris, to the Right Hon. The Speaker of the House of Commons.

Chambre des Députés, Paris, le 12 Septembre 1831.

Le Président à Monsieur l'Orateur de la Chambre des Communes d'Angleterre.

Monsieur,

DANS une séance où elle avoit à s'occuper de ses affaires intérieures, la Chambre des Députés de France, que j'ai l'honneur de présider, a manifesté le désir de posséder le recueil des Rapports des Comités d'Enquêtes, et autres documens soumis au Parlement Britannique, pour éclairer ses discussions. Comme nous avons appris que ces documens ne s'impriment que pour l'usage particulier des Membres du Parlement, ne peuvent s'obtenir par la voie du commerce de la librairie, permettez-moi, Monsieur, de m'adresser à vous pour vous prier de vouloir bien m'indiquer le moyen d'acquérir cette précieuse collection. De mon côté, je donnerois des ordres pour que la partie de nos publications qui peut mériter votre attention, vous fût régulièrement envoyée.

Veuillez, Monsieur, ne voir dans cette proposition de la communication de nos travaux respectifs, que le vœu de contribuer aux progrès de la grande cause de la liberté constitutionnelle ainsi que l'empressement le plus sincère de resserrer les liens de l'estime réciproque et de la bonne intelligence qui, nous sommes fondés à l'espérer, doivent, désormais, unir nos deux Nations.

J'ai l'honneur de vous offrir, Monsieur, l'assurance de ma haute considération.

B. Girod, de l'Ain.

Chambres des Députés, Paris, le 11 Avril 1832.

Le Président à Monsieur l'Orateur de la Chambre des Communes d'Angleterre.

Monsieur,

LA Chambre des Députés de France a reçu le magnifique envoi de documens parlementaires que la Chambre des Communes d'Angleterre a bien voulu lui adresser; je m'empresse de vous en exprimer toute notre gratitude. Je m'occupe de faire rassembler nos documens les plus importans, et ils vous seront prochainement expédiés. Nous espérons que cet envoi sera, pour la Chambre des Communes d'Angleterre, une nouvelle preuve de notre désir de voir consolider, entre les deux Pays, une union à laquelle leur prospérité commune et le repos du monde nous semblent si fortement intéressée.

J'ai l'honneur de vous offrir, Monsieur, l'assurance de ma haute considération.

B. Girod, de l'Ain.

Appendix, No. 2.

ESTIMATE, by Sir Robert Smirke, of the Expense of fitting up the two Committee Rooms, 18 and 19, for the purposes of the Library.

IN compliance with the Order of The Select Committee on the Library of the House of Commons, I beg leave to report, that the Expense of fitting up the two Committee Rooms, 18 and 19, for the purposes of the Library, connecting them by a spiral staircase with the existing Library, and providing a Lobby for the Messenger, is estimated at the sum of about 1,400*l.* And I have further to state, that the Expense of extending the existing Building on which the Library is placed, and forming on the lower Story an additional Depository for the Papers of The House, according to the Plans herewith submitted to the Committee, is estimated at the sum of about 4,000*l.*

In each of these Estimates is included the Expense of fitting up the two Rooms for the Library with Book-cases, and of completing them in every respect to receive the Furniture.

Stratford Place, June 12, 1832.

Rob' Smirke.

Appendix, No. 3.**LIST of COMMITTEE ROOMS of The House of Commons.**

Nos.

1.

2.

3.

4.

5.

6. In use for Committees, till the sitting of the House.

7. Ditto - - - - (this room has a Passage through it to No. 6.)

8. Now the Kitchen of The House.

9. Appropriated to the Chairman of the Committees of Ways and Means; a portion of it occupied by the Manuscript Journals of the House.

10. Pulled down, by the Courts of Law.

11. In use for Committees; fitted up as a Court.

12. Ditto - - - - (lately occupied by the Court of Review.)

13 } Occupied, during Term, by the Master of the Rolls.
14 }

15. In use for Committees.

16. Occupied for the Poor Returns.

17. Occasionally used for Committees, and for the Papers of the Vote Office; lately by the Court of Review.

18.

19. Over the Library; in constant use for Committees.

20.

21.

The Smoking Room: in use for Committees generally.

*Jno Bellamy,
Deputy Housekeeper.*

23 June 1832.

Appendix, No. 4.

AN ACCOUNT of the Number of COMMITTEES SITTING on the DAYS under mentioned, and of the Number of COMMITTEE ROOMS which such Committees occupied on those Days respectively.

SESS. 1830.	Number of Committees sitting.	Number of Rooms occupied.	SESS. 1830.	Number of Committees sitting.	Number of Rooms occupied.
Days :			Days :		
April 26th	- -	2	May 7th	- -	28
" 27th	- -	18	" 10th	- -	18
" 28th	- -	19	" 11th	- -	10
" 29th	- -	16	" 12th	- -	7
" 30th	- -	25	" 13th	- -	14
May 3d	- -	17	" 14th	- -	11
" 4th	- -	22	" 17th	- -	11
" 5th	- -	25	" 18th	- -	7
" 6th	- -	19			7

* In this number is included the Members' Waiting Room, which on these days was, from the number of opposed Committees sitting, required to be used as a Committee Room.

Appendix, No. 5.

STATEMENT of the Cubic Contents of the Space occupied by the Presses containing the Manuscript Papers, &c. belonging to The House of Commons, in the Custody of the CLERK of the JOURNALS and PAPERS.

No. of Presses.	SITUATION.	Contents in Cubic Feet.
Nos. 1 to 22, including dwarf Presses over Doors, Windows, &c.	Long Gallery - - - - -	2,718
Nos. 23 to 25	Committee Room, No. 11 - - -	359
Nos. 26 to 32	House in Speaker's Yard, First Floor right-hand Room, and on Staircase - - -	1,058
Nos. 33 to 39	Private Bill Office - - -	665
Nos. 40 to 48	Upper Lobby - - -	1,108
Nos. 49 to 55	House in Speaker's Yard, First Floor left-hand Room - - -	958
Nos. 56 to 58	Ditto - - Second Floor left-hand Room - -	867
Nos. 59 to 63 and Racks in middle of Room.	Rooms under Library - - -	1,976
Not numbered	House in Speaker's Yard, Second Floor right-hand room - - -	622
	Ditto - Room adjoining Committee Room, No. 4 - - -	525
	Committee Room, No. 9 - - -	95
	Engrossing Office - - -	524
		539
	TOTAL in Cubic Feet of Presses now in use - - -	12,014
Not numbered	Rooms over Journal Office - - -	468
	Room under Library - - -	657
	Lobby adjoining next Staircase - - -	479
	TOTAL in Cubic Feet of Presses now empty - - -	1,598
	TOTAL - - - - -	13,612

Office of Woods, &c.
22 May 1832.

John Phipps,
Assistant Surveyor of Works, &c.

Appendix, No. 6.

STATEMENT of the Cubic Contents of the Space occupied by the Presses and Cases in which Papers are deposited, under the Custody of Mr. Charles Gunnell.

In the Roof of The House of Commons - - -	Contents in Cubic Feet.
Office of Woods and Works, 24 May 1832.	435

Appendix, No. 7.

AN ACCOUNT of the Number of Copies of JOURNALS, GENERAL INDEXES, and REPORTS of The House of Commons, and JOURNALS of The House of Lords, in STORE at Abingdon Street Warehouse, and the Warehouses of Messrs. Hansard & Sons.

VOLS.	Abingdon Street.	Messrs. Hansard.		TOTAL.	VOLS.	Abingdon Street.	Messrs. Hansard.		TOTALS.
		King Street.	Museum Street.				King Street.	Museum Street.	
COMMONS' JOURNALS :									
1	100	100	354	554	63	100	100	275	475
2	100	100	358	558	64	100	100	382	582
3	100	100	356	556	65	100	100	390	590
4	100	100	366	566	66	100	100	393	593
5	100	100	358	558	67	100	100	421	621
6	100	100	357	557	68	100	100	427	627
7	100	100	334	534	69	100	100	451	651
8	100	100	363	563	70	100	100	385	585
9	100	100	356	556	71	100	100	480	680
10	100	100	361	561	72	100	100	452	652
11	100	100	362	562	73	100	150	533	783
12	100	100	364	564	74	100	150	497	747
13	100	100	358	558	75	100	118	501	719
14	100	100	356	556	76	100	118	484	702
15	100	100	362	562	77	100	168	627	895
16	100	100	364	564	78	100	168	715	983
17	100	100	359	559	79	100	200	720	1,020
18	100	100	363	562	80	100	162	777	1,039
19	100	100	360	560	81	100	262	736	1,098
20	100	100	355	555	82	100	263	817	1,179
21	100	100	357	557	83	100	200	880	1,180
22	100	100	360	560	84	100	300	776	1,176
23	100	100	360	560	85	100	200	867	1,167
24	100	100	363	563					
25	100	100	361	561					
26	100	100	361	561	1	100	100	457	657
27	100	100	351	551	2	100	100	420	620
28	100	100	360	560	3	100	100	412	612
29	100	100	369	569	4	100	100	84	284
30	100	100	366	566	5	100	400	978	1,478
31	100	100	369	569	6	100	200	727	1,027
32	100	100	373	573					
33	100	100	369	569					
34	100	100	410	610	1	100	100	276	476
35	100	100	398	598	2	100	100	272	472
36	100	100	402	602	3	100	100	273	473
37	100	100	429	629	4	100	100	278	478
38	100	100	446	646	5	100	142	547	789
39	100	100	451	651	6	100	142	555	797
40	100	100	478	678	7	100	142	537	779
41	100	100	476	676	8	100	142	546	788
42	100	100	488	688	9	100	142	517	759
43	100	126	480	706	10	100	142	559	791
44	100	125	481	706	11	100	142	553	795
45	100	126	498	734	12	100	142	546	788
46	100	124	499	723	13	100	142	530	772
47	100	124	531	755	14	100	142	556	798
48	100	126	519	745	15	100	142	468	710
49	100	174	544	818	Index	100	142	532	774
50	100	174	554	828					
51	100	174	619	893					
52	100	174	643	917					
53	100	200	630	930	61	50	none	257	307
54	100	200	787	1,087	52	50	ditto	240	290
55	100	200	808	1,108	53	50	ditto	300	350
56	126	200	782	1,108	54	50	ditto	355	405
57	100	100	30	230	55	50	ditto	365	415
58	100	100	86	286	56	50	ditto	356	416
59	100	100	153	353	60	50	ditto	370	420
60	100	100	217	417	61	50	ditto	395	445
61	100	100	207	407	62	50	ditto	458	508
62	100	100	268	468	Calendar	50	ditto	304	354

John Bull.

Appendix, No. 8.

STATE of the PAPERS, in STORE, from 1801 to 1826.

Out of Print	- - - - -	280 Articles.
From 12 to 50 Copies	- - - - -	2,382
- 50 to 100 Copies	- - - - -	2,900
		<hr/>
- 100 to 250, ditto	- - - - -	5,282
Above 250 Copies	- - - - -	609
		<hr/>
		410
		<hr/>
		6,581

Of the ARTICLES out of PRINT:

There are, Reports	- - - - -	74
Accounts and Papers	- - - - -	206
		<hr/>
		280

James & Luke G. Hansard & Sons.

Appendix, No. 9.

LETTER from *Henry Ellis*, Esq. to Sir *Robert Harry Inglis*, Bart.

My dear Sir,

British Museum, 12 July 1832.

I HAVE perused very carefully and with great pleasure the contents of the Catalogue.

I consider the Library to be one of very great intrinsic interest, and most appropriate for the use of The House of Commons, inasmuch as it contains the Tracts and smaller pieces, which, chiefly from the time of Queen Elizabeth to the middle of the reign of King George the Second, were published upon political and religious topics, and at moments when those topics were alive and in animated discussion. It contains the best of the smaller publications of State interest between the two periods of the Reformation and the South-Sea Bubble.

All the larger and more generally known works of English History, I am aware The House of Commons is already possessed of; but such pamphlets and small productions as this Catalogue contains, would not at the present time be attainable (were you to set about collecting them), unless by long search and waiting, by perseverance in inquiring for them, and by a very considerable expenditure.

I really think the possession of them for The House of Commons a subject of congratulation.

I am, dear Sir, with much respect,

Your faithful Servant,

Sir Robert Harry Inglis, Bart.
&c. &c. &c.*Henry Ellis.*

Appendix, No. 10.

LETTER from Mr. *Luke Graves Hansard* to Sir *Robert Harry Inglis, Bart.*
(With an Enclosure).

Sir,

July 16, 1832.

PERMIT me to express my opinion of the advantages of the Plan proposed by the Committee, of a General Index to the Reports of The House of Commons, incorporating the General Index to the 15 volumes, with a similar one from 1801 to the present time. Its utility will be very great, and will form a complete compendium of that branch of Parliamentary Literature. Happy indeed shall I be in affording any aid to such a work; and with that feeling, have taken the liberty of putting together a few pages as a kind of sketch of the proposed Plan.

See pp. 39-42.

In these pages, the **Black Type** shows, at one glance of the eye, such Titles as are actual Reports or references to such. The Titles in the Roman character are cross references to subjects to be found in such Reports, *although not indicated by their Titles*. Thus **Annuities** is a Title of a Report; but there is important information relating to **Annuities** in the Reports on **Friendly Societies**. Now the inquirer on the subject of **Annuities**, would never think of looking to the head **Friendly Societies**, unless he was previously apprised that the Reports of that Committee (of which Mr. Courtenay was Chairman) contained information of the kind he sought for; or he might have a remembrance that such information did exist, but the fact of its being to be found in those Reports might have passed from his mind. I need not say that they contain, as Appendixes, complete Tables of Annuities under all circumstances of duration and periods and conditions of life. Now the head **Annuities** collects all the points of information into one focus, and refers at once to the sources of information. *This exemplifies the utility of Indexing to the information contained in Appendixes.*

It will be necessary to designate the arranged Collections of Reports thus:—

First Series, containing the Reports from 1701 to 1800, printed in 15 vols. large folio.

Second Series, being the Reports arranged according to the directions of the Committee in 1825, from 1801 to 1826.

Third Series, will be a continuation of the last up to 1832, which the Committee now recommend to be prepared as a temporary arrangement till the accumulation of seven years will make it of sufficient importance to be erected into a permanent collection.

This will require an alteration in the wording of the Reports, as to the denomination of the *Series*.

Trusting I shall not be thought unnecessarily troubling you,

I remain, Sir, your most obedient Servant,

Sir Robert H. Inglis, Bart. M.P.
Chairman of
The House of Commons' Library Committee,
&c. &c. &c.

Luke G. Hansard.

G E N E R A L I N D E X

TO THE

REPORTS OF THE HOUSE OF COMMONS,

FROM

1701 - - - to - - - 1832,

INCLUSIVR.

N. B. *The First Series referred to comprises the Reports from 1701 to 1800, and is printed in 15 vols. large folio. The Second Series, the Reports as originally printed, and arranged in 154 vols., according to the directions of the Committee of 1825. The Third Series is a continuation in vols., arranged by the direction of the Committee in 1832.*

A.

Admiralty. *see Finance. Records. Public.*

Africa. For some particulars relating to, *see Sierra Leone. infra*; and concerning the expediency of Transporting Convicts to Africa, and establishing a Colony on the South-western Coast, *see under the head Convicts.*

Agriculture. *see Distillery in Scotland. Waste Lands.*

Alexandrian MS. *see Cottonian Library.*

Alkali. *see Marine Acid. Pot and Pearl Ashes.*

America, North. Particulars respecting the Countries adjoining Hudson's Bay—their Products—Inhabitants—Animals—and Trade.—*see Hudson's Bay.*

Anglesea. *see Copper Trade.*

Annuities. 1776—1782 :

On the Amount of the Sums raised by Annuities towards the Supply granted between 1776 and 1782.—Report dated 5 July 1782. — *First Series, in large folio, vol. xi. p. 3.*

1. Amount of the Public Debt as it stood from 1776 to 1782.
2. Annual Interest of Annuities and of the Public Debt.
3. Expenses of the Seven Years' War.
4. Methods of keeping the Accounts of the Customs, and Suggestions for limiting the Periods of passing them.
5. Produce of the Taxes and Duties, from 1774 to 1782.

Account of the net produce at the receipt of the exchequer, of the fund for paying the annuities, and charges of management for the same, xi. 10.

Additional Duty. *see Duty.*

Ale Licenses, produce of duty on, from 1774 to 1782, xi. 20.

Alienation Office, produce of, from 1774 to 1782, xi. 19.

Allowances made to the Bank of England for taking loans, from 1776 to 1782, xi. 4 b.

Almanacks, produce of duty on, xi. 20.

Alm Mines, produce of duty on the rent of, from 1774 to 1782, xi. 20.

Bank of England, allowances made to, for taking in loans from 1776 to 1782, xi. 4 b, 15 a.—make their calculations from 4 February to 4 February, 31.

Bear, produce of additional excise on, from 1774 to 1782, xi. 19.

Bills of Exchequer, total of, standing out undischarged on January 5, 1777, xi. 6 a.—from 1776 to 1782, 28 to 31.—account of interest paid for circulating exchequer bills, from 1775 to 1782, xi. 31.—various expenses upon, from 1775 to 1782, ib. *See also Exchequer Bills.*

Brandy, an additional duty on, xi. 4 a.—produce of, since 30 May 1780, 14.—produce of duty on, from 1774 to 1782, 19, 20.

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Annuities. 1820.

Report of Mr. Finlayson on the Principles of constructing Tables of Annuities; with several Tables:—1829 () *Third Series*, vol.

Annuities Tables of the Average duration of Life—of proportionate Contributions and Allowances for Sickness, Accidents and Old Age—of the Purchase of Annuities—of Endowments for Children—and of other deferred Annuities, Payments or Benefits.—see *Friendly Societies*, in the Reports on that subject, and the Appendix thereto; 1825 (522.)—1827 (558.) *Second Series*, vol. 134.

And for Data of Duration of Life, see *Population Abstracts*, and Prefatory Observations by Mr. Rickman.

Antiquities, Information connected with. see *Records, Public*.

Approaches to the House of Commons. see *Cottian Library. Parliament*.

Aqua-Vitæ. see *Distillery in Scotland*.

Army. see *Annuities. Finance. Income and Expenditure*.

Artizans, Machinery, and Combination Laws. 1824—1825.

On the Laws relating to Machinery—and Emigration of Artizans—Combinations of Workmen, and evils thereof—Impolicy of the present Laws—Proposed Improvements—Policy of exporting Tools and Machinery:—Three Reports; severally dated 23 February 1824 (51.) —8 and 16 June 1825 (437, 417.)—30 June 1825 (504.) *Second Series*, vol. 20.

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Assay-Offices. 1773.

Manner of conducting them throughout the Kingdom, and concerning Frauds in the Manufacture of Plate:—Report dated 29 April 1773 *First Series*, in large folio, vol. iii. p. 59.

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Bakers. see *Bread and Assize. Corn. High Price of.*

Balance of Trade. see *Bank of England.*

Balances. see *Finance.*

Bank of England. 1797.

On the outstanding Demands of the Bank, and on the Restriction of Payments in Cash:—Four Reports from the Committee of Secrecy; severally dated (1.) 3 March, vol. xi. p. 19; (2.) 7 March, vol. xi. p. 120; (3.) 21 April, vol. xi. p. 121; (4.) 17 November 1797, First Series, in large folio, vol. xi. p. 192.

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Bank of England. 1826.

Communications relating to an Alteration in the exclusive Privileges of the Bank of England :—Dated 6 February 1826 (2.) — Third Series, vol.

Bank; the continuance of its exclusive privileges not to be expected, p. —not sufficient to meet the demands of the present times, p.
Branch Banks, proposed to be established by the Bank of England, p.

Country Banks, to be allowed to establish unlimited partnerships, p. —increase of, arising from the new wants of the country, p. —should be established on a sound system, p.
Scotch Banks; their system on a good foundation, p.

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Barley. see *Bread*. **Corn**. Importation and Exportation of. **Corn**, High Price of. **Corn Trade with Ireland**. **Distillery in Scotland**.

Barracks. see *Finance*.

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Children employed in Manufactories. 1816.

Report of Evidence on the State of Children employed in the Manufactories of the United Kingdom :—Dated 28 May and 19 June 1816, (397.) — Second Series, vol. 87.

Cotton-Manufactories, extreme youth of children employed in, p.

Health, state of the children's, employed in manufactures, p.

Employment, nature of, in which children are engaged, p. —manner and time of working, p.

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Combination Laws. On the Evils arising from the Combination of Workmen, and the Impolicy of the Laws relating thereto. see *Artisans*.

Contagion. see *Pitrous Fumigation*. **Prisoners of War at Winchester**.

Corn, Importation and Exportation of. 1783.

Two Reports on the Importation and Exportation of Corn and Grain, and on the Scarcity thereof; severally dated (1.) 16 April 1783, vol. ix. p. 27; (2.) 28 May 1783, vol. ix. p. 37.

Act of the 21st of His present Majesty's reign, not of so pressing a nature as that part of His Majesty's speech relating to the scarcity of corn, ix. 27 a.—mistake of, 34 a.—puts a stop to any collusion on forming the average of corn, ib.

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Bounty, necessity of, for oats and barley, ix. 29 a.—formerly as great as at present, ib.

Criminal Law. 1831-1832.

On the mode of giving efficacy to **SECONDARY PUNISHMENTS**—Punishments and Discipline of Prisons at home—On board the Hulks—By Transportation—Efforts to improve the Morals of Convicts :—Two Reports; severally dated 27 September 1831 (276.)—and 22 June 1832 (547.) — Third Series, vol.

Agricultural Labourers; labour of convicts not severely felt by them, p.

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Boys, change in treatment of, necessary, p. — one in Cold-bath Fields imprisoned eight times, p.

R E P O R T

FROM

COMMITTEE appointed to prepare MILITIA ESTIMATES.

THE SELECT COMMITTEE appointed to prepare ESTIMATES of the Charge of the DISEMBODIED MILITIA of *Great Britain* and *Ireland*, for five Quarters to 31 March 1833 ;—HAVE considered the Matters referred to them, and have prepared ESTIMATES accordingly ; which are as followeth :

—1.—

ESTIMATE OF THE CHARGE OF THE DISEMBODIED MILITIA OF GREAT BRITAIN, from the 1st January 1832 to the 31st March 1833.

S T A F F :	T O T A L S.		
	For 91 Days, from 1st January to 31st March 1832.	For 365 Days, from 1st April 1832, to 31st March 1833.	
s. d.	£. s. d.	£. s. d.	
Pay of 89 Adjutants each at 8 — per diem - - - - -	3,239 12 -	12,994 - -	
89 Serjeant-Majors 1 10 - - - - -	742 8 2	2,977 15 10	
1,243 Serjeants - - 1 6 - - - - -	8,483 9 6	34,027 2 6	
61 Drum-Majors - 1 6 - - - - -	416 6 6	1,669 17 6	
469 Drummers - - 1 - - - - -	2,133 19 -	8,559 5 -	
Additional to 89 Serjeants acting as Quarter-Master Serjeants, at 4 d. - - - - -	134 19 8	541 8 4	
Additional to 1 Serjeant-Major, and to 6 Serjeants who were Colour Serjeants in Provisional Battalions of Militia, each at 6 d. - - - - -	15 18 6	63 17 6	
Contingent Allowance at 1 d. per month for each Drummer and Private, being 51,357 men - - - - -	641 19 3	2,567 17 -	
Allowance for Medicines and Medical Attendance for 1,862 Non-commissioned Officers and Drummers, at the rate of 2 d per week, or 8 s. 8 d. per annum - - - - -	201 14 4	809 1 8	
Biennial Clothing, on Account, for one quarter, from 1st Ja- nuary 1833 - - - - -	- - - - -	1,500 - -	
TOTALS for the STAFF kept up in time of } Peace, and resident at Head Quarters - } £.	16,010 6 11	65,710 5 4	
ALLOWANCES to SUBALTERNS disembodied at the Peace:			
532 Lieutenants, each at 2 s. 6 d. per diem - - - - -	6,051 10 -	24,272 10 -	
74 Ensigns - - - 2 s. - - - - -	673 8 -	2,701 - -	
52 Surgeons' Mates - 2 s. 6 d. - - - - -	591 10 -	2,372 10 -	
TOTALS for Subalterns and Surgeons' Mates liable } to Service - - - - - } £.	7,316 8 -	29,346 - -	

Estimate of the Charge of the Disembodied Militia of Great Britain—*continued.*

		TOTALS	
		For 91 Days, from 1st January to 31st March 1832.	For 365 Days, from 1st April 1832, to 31st March 1833.
REDUCED ALLOWANCES to OFFICERS and SERJEANT-MAJORS on various Reductions of Establishment:			
In 1799:	18 Adjutants, each at 4 s. per diem	- - -	327 12 - 1,314 - -
	6 Serjeant-Majors, each at 1 s. per diem, and 2 s. 6 d. per week	- - -	37 1 - 148 12 -
1816:	3 Second Adjutants, each at 4 s. per diem	- - -	54 12 - 219 - -
1829:	1 Paymaster, at 2 s. per diem	- - - 2	
	5 ditto - - 2 s. 6 d.	- - - 12 6	
	2 ditto - - 3 s.	- - - 6 -	
	2 ditto - - 3 s. 6 d.	- - - 7 -	
	17 ditto - - 4 s.	- - - 3 8 -	
	2 ditto - - 4 s. 6 d.	- - - 9 -	
	7 ditto - - 5 s.	- - - 1 15 -	
	25 ditto - - 6 s.	- - - 7 10 -	
	61 Paymasters, at per diem	£. 14 9 6	1,317 4 6 5,283 7 6
	5 Surgeons, at 3 s. 6 d. per diem	- - - 17 6	
	15 ditto - - 4 s.	- - - 3 -	
	2 ditto - - 4 s. 6 d.	- - - 9 -	
	21 ditto - - 5 s.	- - - 5 5 -	
	7 ditto - - 6 s.	- - - 2 2 -	
	50 Surgeons, at per diem	£. 11 13 6	1,062 8 6 4,261 7 6
	4 Quarter-Masters, at 2 s. per diem	- - - 8 -	
	9 ditto - - 2 s. 6 d.	- - 1 2 6	
	4 ditto - - 3 s.	- - - 12 -	
	4 ditto - - 3 s. 6 d.	- - - 14 -	
	5 ditto - - 4 s.	- - - 1 -	
	1 ditto - - 4 s. 6 d.	- - - 4 6	
	2 ditto - - - 5 s.	- - - 10 -	
	29 Quarter-Masters, at per diem	£. 4 11 -	414 1 - 1,660 15 -
TOTAL of Allowances to Officers on Reduction of Establishment		£. 3,212 19 -	12,887 2 -
RECAPITULATION:			
Pay, &c. of the Staff resident at Head Quarters, in Peace	-	16,010 6 11	65,710 5 4
Disembodied Allowances to Subalterns and Surgeons' Mates liable to Service	- - -	7,316 8 -	29,346 - -
Reduced Allowances on Reduction of Establishment	- -	3,212 19 -	12,887 2 -
TOTAL CHARGE for the Regular Militia of GREAT BRITAIN	£. 26,539 13 11	107,943 7 4	

Memorandum:

The following Services are included in the Army Estimates:

Retired Allowances to Officers on account of Disability.

Out-Pensions of the Regular Militia, for Great Britain and Ireland.

Allowances to Adjutants and Out-Pensions to Men of Local Militia.

—2.—

**ESTIMATE of the Charge of the DISEMBODIED MILITIA of Ireland,
from the 1st January 1832 to the 31st March 1833.**

		TOTALS		
		For 91 Days, from 1st January to 31st March 1832.	For 365 Days, from 1st April 1832, to 31st March 1833.	
	S T A F F.			
Pay of 38 Adjutants, each at 8 <i>s.</i> - <i>d.</i> per diem	- - -	1,383 4 -	5,548 - -	
- 38 Serjeant Majors - 1 <i>s.</i> 10 <i>d.</i>	- - - - -	316 19 8	1,271 8 4	
- 449 Serjeants - 1 <i>s.</i> 6 <i>d.</i>	- - - - -	3,064 8 6	12,291 7 6	
- 21 Drum Majors - 1 <i>s.</i> 6 <i>d.</i>	- - - - -	143 6 6	574 17 6	
- 200 Drummers - 1 <i>s.</i> - <i>d.</i>	- - - - -	910 - -	3,650 - -	
Additional Pay to 38 Serjeants, acting as Quarter-Master Serjeants, each at 4 <i>d.</i> per diem	- - - - -	57 12 8	231 3 4	
Contingent Allowance, at 1 <i>d.</i> per month, for each Drummer and Private, being 18,725 men	- - - - -	234 1 3	936 5 -	
Allowance for Medicines and Medical Attendance for 708 Non-Commissioned Officers and Drummers, each at 2 <i>d.</i> per week, or 8 <i>s.</i> 8 <i>d.</i> per annum	- - - - -	76 14 -	307 12 10	
Allowances for Fuel and Lodging	- - - - -	577 12 5	2,310 9 7	
Biennial Clothing, on account of one quarter, to 31st March 1833	- - - - -	- - -	500 - -	
Allowance for Agency, at 2 <i>l.</i> 2 <i>s.</i> per annum for each Com- pany, 285 Companies	- - - - -	149 12 6	598 10 -	
TOTAL for the Staff Resident at Head Quarters - £.	6,913 11 6	28,219 14 1		
ALLOWANCES to SUBALTERNS and ASSISTANT SURGEONS disembodied at the Peace:				
331 Lieutenants, each at 2 <i>s.</i> 6 <i>d.</i> per diem	- - - - -	3,765 2 6	15,101 17 6	
131 Ensigns - - - 2 <i>s.</i> - <i>d.</i>	- - - - -	1,192 2 -	4,781 10 -	
18 Assistant Surgeons 2 <i>s.</i> 6 <i>d.</i>	- - - - -	204 15 -	821 5 -	
TOTAL for Subalterns and Assistant Surgeons, } liable to Service - £.	5,161 19 6	20,704 12 6		

Estimate of the Charge of the Disembodied Militia of Ireland—continued.

REDUCED ALLOWANCES to OFFICERS on various Reductions of Establishment.	£. s. d.	£. s. d.
1797 : On the Incorporation of the Drogheda with the Louth Militia, one Adjutant, at 6s. per diem - - - }	27 6 -	109 10 -
1829 : 2 Paymasters - each at 2s. per diem - £. - 4 -		
3 Ditto - - - - 2s. 6d. - - - - 7 6		
2 Ditto - - - - 4s. - - - - 8 -		
10 Ditto - - - - 5s. - - - - 2 10 -		
7 Ditto - - - - 6s. - - - - 2 2 -		
24 Paymasters - - at per diem - - £. 5 11 6	507 6 6	2,034 17 6
2 Surgeons - each at 2s. 6d. per diem - £. - 5 -		
2 Ditto - - - - 3s. 6d. - - - - 7 -		
8 Ditto - - - - 4s. - - - - 1 12 -		
3 Ditto - - - - 5s. - - - - 15 -		
6 Ditto - - - - 6s. - - - - 1 16 -		
21 Surgeons - - at per diem - - £. 4 15 -	432 5 -	1,733 15 -
4 Quarter-Masters, at 2s. 6d. per diem - £. - 10 -		
4 Ditto - - - - 3s. - - - - 12 -		
7 Ditto - - - - 3s. 6d. - - - - 1 4 6		
2 Ditto - - - - 4s. - - - - 8 -		
8 Ditto - - - - 5s. - - - - 2 - -		
25 Quarter-Masters - at per diem - - £. 4 14 6	429 19 6	1,724 12 6
TOTAL of Allowances to Officers on Reduction of Establishment - - - - - } - £. 1,396 17 -		5,602 15 -

RECAPITULATION FOR IRELAND;

Pay, &c. for the Staff resident at Head Quarters	-	-	6,913	11	6	28,219	14	1
Disembodied Allowances to Subalterns and Assistant Surgeons liable to Service	-	-	5,161	19	6	20,704	12	6
Reduced Allowances on Reduction of Establishment	-	-	1,396	17	-	5,602	15	-
TOTAL for IRELAND	-	-	£.	13,472	8	-	54,527	1

Memorandum :

**The Retired Allowances to Officers on account of disability,
are included in the Army Estimates.**

GENERAL RECAPITULATION:

TOTAL for Great Britain	- - -	For 91 days	-	-	26,539 13 11	}	134,483 1 3
		For 365 days	-	-	107,943 7 4		
TOTAL for Ireland	- - -	For 91 days	-	-	13,472 8 -	}	67,999 9 7
		For 365 days	-	-	54,527 1 7		
TOTAL CHARGE for GREAT BRITAIN and IRELAND, from	1 January 1832 to 31 March 1833					£.	202,482 10 10

MILITIA ESTIMATES FOR THE YEAR 1832.

—3.—COMPARATIVE ABSTRACT of the MILITIA ESTIMATES for the Periods from 1 January to 31 December 1831, and from 1 April 1832 to 31 March 1833, each Period including 365 Days.

S E R V I C E.	NUMBERS.		CHARGE.	CHARGE.	DECREASE.	EXPLANATION OF DECREASE.
	1831:	1832:				
GREAT BRITAIN:						
Staff at Head Quarters	-	-	-	-	-	
Subalterns liable to Service	-	-	-	-	-	
Reduced Officers, on Reduction of Establishment, the greater proportion liable to serve	-	-	-	-	-	
Lieutenancy Expenses	-	-	-	-	-	
Training	-	-	-	-	-	
TOTALS, GREAT BRITAIN	-	-	-	-	-	
IRELAND:						
Staff at Head Quarters	-	-	-	-	-	
Subalterns	-	-	-	-	-	
Reduced Officers, on Reduction of Establishment, liable to Service	-	-	-	-	-	
TOTALS, IRELAND	-	-	-	-	-	
TOTALS OF MILITIA ESTIMATES:						
Great Britain	-	-	-	-	-	
Ireland	-	-	-	-	-	
TOTAL of Great Britain and Ireland 1831	-	-	-	-	-	
Ditto	-	-	ditto	-	-	
DECREASE on Estimates, 1832-1833	-	-	-	-	-	

{ Additional Pay for Colour Serjeants of Provisional Battalions, and Biennial Clothing.

Casualties and Commutations.

Casualties and Commutations.

No Ballot for 1832-1833.

No Training in 1832-1833.

R E P O R T

From COMMITTEE appointed to prepare

MILITIA ESTIMATES,

FOR THE YEAR

1832.

*Ordered, by The House of Commons, to be Printed,
19 June 1832.*

R E P O R T

FROM THE

SELECT COMMITTEE

Appointed to consider how far it is Expedient

TO EXTEND THE PATENT GRANTED FOR

MORTON'S SLIP.

Ordered, by The House of Commons, to be Printed,
13 April 1832.

MINUTES OF EVIDENCE - - - - - - - - - - p. 5

R E P O R T.

THE SELECT COMMITTEE appointed to consider how far it is expedient to extend the PATENT granted for MORTON's SLIP, and who were empowered to report the MINUTES of EVIDENCE taken before them to The House :—HAVE proceeded to investigate the matter to them referred, and have agreed to the following REPORT.

YOUR Committee caused Mr. Morton to produce before them his Books and Accounts, showing his Receipts and Expenditure arising from his Invention, from the date of his obtaining his Patent to the present period ; they also caused him to lay before them the Patent itself, and the other Papers stated in the Evidence, and they called before them and examined Mr. Morton himself, and several other persons whom they considered likely to be able to give the most correct information on the subject.

After giving to the whole the most mature consideration, Your Committee have come to the following conclusion : That Mr. Morton's invention of the Patent Slip in question is of the most ingenious and valuable description, of the highest advantage to the Shipping interests of this maritime country, (insomuch that the operation of placing a Ship in a situation to be repaired, which, previously to this invention, cost £. 170., can now, by this means, be effected for £. 3), and it is equally valuable and applicable for the larger Ships of War as for the Mercantile Marine ; that owing, however, to the difficulty of drawing attention to this Invention, and to bringing it into use at first, as explained in the Evidence, the Patentee appears not to have derived any profit whatever from his Patent for the first six years, and during the whole period of its duration only to £. 5,737.

That an Invention of such ingenuity, of such simplicity of construction, though of such extensive and important benefit, is well deserving greater reward from the Public than has hitherto been received by Mr. Morton, or is likely to be received by him under his Patent during the short remainder of its duration ; but Your Committee entertaining the strongest and most decided impression of the impolicy of granting renewal of Patents under any circumstances, particularly on a plea of their not having produced sufficient rewards to the Patentees, and observing that the instances of such indulgences having been granted are extremely rare, there having been only two since the year 1800, Your Committee do not consider it expedient to recommend to The House to extend the Patent granted for Morton's Slip.

Your Committee trust, however, they may be permitted to add the expression of their hope, that some other means may be adopted to obtain for Mr. Morton a more adequate pecuniary recompence for the great benefit his Invention has conferred on the Public, and the Shipping Interest in particular, than he appears to have derived from his Patent as before stated.

Your Committee beg to observe, that the feeling they so strongly entertain of the general impolicy and impropriety of the Legislature acceding to applications for renewal of Patents, without the fullest consideration, induces them earnestly to recommend to The House to establish, as one of their Standing Orders, That no Bill for the renewal of a Patent be read a second time until it shall have been investigated and reported upon by a Select Committee.

April 1832.

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MINUTES OF EVIDENCE.

Luna, 9^o die Aprilis, 1832.

THE RIGHT HONOURABLE SIR GEORGE COCKBURN,
IN THE CHAIR.

Mr. Thomas Morton, called in ; and Examined.

WILL you have the goodness to state to the Committee the grounds on which you have made an application for the renewal of your Patent ?—It is the only recompense I have for the invention ; I believe the invention has been very important for the public, and beneficial. The recompense I have obtained is very limited, and therefore I make the application for extension, the Patent having nearly expired now.

Did it come into operation at once ?—No ; it was upwards of six years before I redeemed the money actually laid out for procuring and protecting the Patent at law, advertising, and such things.

You were six years before you got back your own money ?—Yes.

In the following eight years did it pay you handsomely, and what has been the produce to you ; has it got into general use, or has it made slow progress ?—In the early years of the patent I went to England, Scotland and Ireland, and showed my plans to different shipbuilders ; the answer was, “ Has anybody else one but yourself ? ” “ No.” They made a reply that they would wait to see if others had it, and if it succeeded before they adopted it. The first I put down was at a sacrifice of some hundred pounds at Borrowstonness. The public then began to see the value of it, and sometime afterwards slips were put down at Irvine and Whitehaven, and at Dumbarton, on the Clyde.

How many years was it before you completed these ?—Probably during the first six years.

After these six years, what happened the next eight years ?—After these were put down, and the public began to see the utility, they began to increase.

What has been the issue of that ; have you made a handsome profit ?—The profit has not been great. The gross profit, both on licenses and manufacture, may be somewhere about 8,300*l.*, but off that is to be deducted a variety of miscellaneous charges which may be stated at 200*l.* per annum.

Have you got with you any account of the expenses you incurred in carrying this into effect, and the profits you have received from the invention ?—Yes ; I have got the books which have been regularly kept of the outlay and income.

Have you got them here ?—Yes ; I am not the better for my invention on the whole by more than between 5,000*l.* and 6,000*l.*

Therefore you appear here to get the Patent extended ?—Yes.

With regard to the items of the expenses, can you inform the Committee how they were incurred ?—First, in taking out the Patent.

What was the expense of that ?—About 400*l.* or 500*l.*

Did you incur other expenses ?—There were great expenses in advertising and travelling, as I have stated before ; in travelling several times over England, Scotland and Ireland.

Have you got an account ?—The books will show that.

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Thomas Morton.

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Will you refer to the books and answer this question; you say your Patent cost you 400*l.* or 500*l.*?—Yes.

After that did you incur other expenses?—There was the expense of advertising and travelling, and a variety of expenses. Amongst other expenses, I had to defend the Patent at law, which cost nearly 500*l.*

How long was it after obtaining the Patent before you put down any slips?—It might be probably two or three years; two years.

You put the first slip down at Borrowstonness?—Yes.

How long was it after that you put one down at Whitehaven?—Shortly after; and also at Dumbarton.

Can you state to the Committee how many you have put down, and in what places?

Aberdeen - - 1	Dysart - - 1	Jarrow - - 1	Quebec - - 1
Arbroath - - 1	Edinburgh - - 1	Leith - - 2	Shields - - 1
Ayr - - 1	(Union Canal)	Liverpool - - 1	Shoreham - - 1
Berwick - - 1	Glasgow - - 2	Londonderry - 1	Sunderland - 2
Bo'ness - - 1	Goole - - 1	Lowestoff - - 1	Swansea - - 1
Carnarvon - - 1	Harwich - - 1	Maryport - - 1	Sydney - - 1
Cork - - 2	Hull - - 2	Montrose - - 1	Waterford - - 1
Dublin - - 2	Ipswich - - 2	Newcastle - - 2	Whitehaven - 1
Dumbarton - - 2	Irvine - - 1	Portsmouth - - 1	Workington - 2

How many in the whole?—About 40.

What is the largest class of vessels for which you have constructed these slips?—The largest class is 800 tons.

Did you find that succeed?—Yes; but I am not aware whether they have hauled up so large a vessel as yet.

Do you suppose from your knowledge of the success of the slip, that its principle can be applied to ships of a greater size—such as ships of war?—Yes, I make no doubt of it.

You have no hesitation from what you know, to recommend it to haul up ships of much greater size than any it has been laid down for?—No doubt of it.

Could you apply it also to steam vessels of any kind?—Most undoubtedly.

Have you ever done so?—Yes; there have been steam vessels hauled up in Aberdeen and other places.

Can you give the Committee any idea of the expense that would be incurred in laying down one of these slips?—It will depend on whether it is for large vessels.

Have you a statement, or table of the expense of constructing them, and of the different rates?—Yes; I have a table for all sizes under 500 tons. The expense of constructing a slip for vessels of 100 tons is 450*l.*; for 200 tons 600*l.*; 300 tons 800*l.*; 400 tons 1,000*l.*; 500 tons 1,100*l.* These sums, however, are exclusive of the expense of preparing the ground.

Preparing the ground must vary according to the nature of the ground?—Yes.

Have you on all occasions been willing to afford the benefit of this slip to all persons who have asked for it?—Yes.

On what terms have you allowed the Public to have the benefit of this invention?—The rates of the license which I have charged vary according to the size. The highest rate which I charge is 200*l.*, which is for the largest class of slips.

You say you completed one for an 800 ton ship, what was the expense of that slip?—It was 1,900*l.* Most of them are constructed to contain two vessels at the same time.

You have given a statement for a vessel of 500 tons. You have put down 1,100*l.*, does that allude to vessels of that size?—It does.

Then it is a slip for vessels of 800 tons, capable of holding two of that size, that costs 1,900*l.*?—Yes.

Do you yourself always insist on making the work, or do you invariably grant a license to every person that asks?—I have invariably granted a license to any one that chose it; if they paid for the license, I would either construct the slip for them, or allow them to do so themselves.

What was the principle on which you granted that license; was it so much per cent.?—No, it was a sum stated for each vessel according to size. For a vessel of 100 tons 75*l.*; 200 tons 25*l.*; 300 tons 175*l.*; 400 tons 200*l.*; and all above, the same.

Can

Can you show to the Committee a statement of the whole of the profits you have derived from the sale of licenses for contracting to use these slips?—Yes.

(*The Witness exhibited several statements.*)

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Thomas Morton.

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When you make it yourself, what do you consider the proportion of the profit to the cost of the material?—Very moderate.

How much?—Probably about 15 per cent. on the material.

What do you mean to take as clear profit to yourself out of the whole?—If it was a ship of 400 tons, I include 200*l.* for the license, and about 15*l.* per cent. on the material.

Supposing the cost of material is 400*l.*, and you paid the labourer 400*l.*, what would you say would be a fair profit to yourself?—I do not know what the general profit would be, but I state I would charge first the license.

When you do it yourself, what is the whole profit?—Probably from 20*l.* to 25*l.* per cent.

When you have done the work yourself, have you found that there is a very great variation in the whole price from the difference in the ground in any of the places you have had to lay it down; what is the highest you have paid, and what the lowest for preparing the ground?—From 200*l.* to 300*l.*

Not a greater difference?—I think not.

The least has been 200*l.*, and the highest 300*l.*?—About these sums.

What is the inclined plane?—One foot in 16.

Supposing you were employed to lay down a patent slip on ground, the preparing of which would cost 300*l.*;—that the patent slip was for a vessel of 300 tons register,—what would that cost you before it could be brought into operation?—About 800*l.* exclusive of preparing the ground.

You would charge no profit on the 300*l.* of expenses incurred in preparing the ground?—No; I never put any profit on the foundation.

You say the largest ship for which your machine has hitherto been constructed is 800 tons?—Yes.

What do you consider the smallest vessel to which it can be applied; will it adapt itself to any size?—To the smallest description of vessels.

What foreign countries have you given your license to?—There has been one slip sent to France, one to Russia, and one to America, but no licenses have been given for foreign countries.

What part of America?—Philadelphia.

Have you sent slips to these places?—Yes.

They can use them without paying any duty?—Yes.

Do you consider this machine of yours an original invention, or an improvement in principle?—Hauling up ships is an old practice; my machine is an improved method of doing so with greater facility and safety. It possesses the following advantages:—

1. A durable and substantial slip may be constructed, under favourable circumstances, at about one-tenth of the expense of a dry dock, and be laid down in situations where it is almost impossible, from the nature of the ground, or the want of a rise and fall of tide, to have a dock built.

2. The whole apparatus can be removed from one place to another, and be carried on ship-board.

3. Where a sufficient length of slip can be obtained, a number of vessels may be upon it at once; and, in point of fact, two or more are often upon the slips already constructed, and under repair, at the same time.

4. Among the other advantages peculiar to the slip, it may be observed, that, every part of the vessel being above ground, the air has a free circulation to her bottom and all around her; in executing the repairs, the men work with much more comfort, and of course more expeditiously; and in winter especially; they have better and longer light than within the walls of a dry dock; while considerable time is saved in the carriage of the necessary materials. The vessel, in short, is in a similar situation to one upon a building slip.

5. No previous preparation of bilge-ways is necessary, as the vessel is blocked upon her keel, the same as if in a dock; and she is exposed to no strain whatever, the mechanical power being solely attached to the carriage which supports her, and upon which she is hauled up.

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6. A ship may be hauled up, have her bottom inspected, and even get a trifling repair, and be launched the same tide; and the process of repairing one vessel is never interrupted by the hauling up of another, an interruption which takes place in docks, from the necessity of letting in the water when another vessel is to be admitted.

7. A vessel is hauled up at the rate of two and a half to five feet per minute, by six men to every 100 tons; so that the expense, both of taking up and launching one of from 300 to 500 tons, does not exceed forty shillings.

Is it on the principle adopted on the coast of Sussex, where they do it on trucks?—I never heard of that; the old plan was on the same principle as launching a new ship.

Are the East India establishments included in the present patent?—It is to the Colonies; it extends to all the British Colonies.

You sent one yourself to the East Indies?—Yes.

Do you know the manner in which His Majesty's ship Kent was hauled up at Plymouth?—Yes.

Is yours on the same principle, but an improvement on it?—Not on the same principle; one important part of my slip is, that the vessel rests on her keel, and is supported also on the bilges; and that the moving power is attached to the carriage in place of the ship, as it used to be.

The Kent was hauled up on ways under the bilges, as a ship is launched?—I did not see it, but I understand so.

You say your clear profits, both on licenses and manufactures, after deducting your expenses, has been between 5,000*l.* and 6,000*l.*?—Yes.

Have the expenses been as great the last three or four years for advertising and travelling expenses, as the former period of your Patent?—There have not been many advertisements lately, but Circulars and Plans have been very generally circulated.

For the last year?—Yes; and the advertisements have come to a good deal of money in all.

What were you paid for the exclusive right of using the slip in Greenock and Port Glasgow?—Four hundred pounds.

Are there any other ports in the Clyde but Glasgow and Dumbarton that have got the slip?—I do not think there are.

[*The Patent was put in.*]

Mr. *Charles Morton*, Examined.

Mr.
Charles Morton
and Mr.
Thomas Morton.

(To Mr. *Charles Morton*.)—STATE to the Committee, as well as you can, the general outlay which this invention occasioned to Mr. Morton the first six years, and the average profit he has made since; what have been the principal expenses he has been liable to, and what is the general principle of his charges?—During the whole period of the Patent there has been a very heavy expenditure. I have with me several statements prepared from the books, showing the nature and amount of the expenses. They consist generally of the following: viz. the expense of perfecting the invention, which was upwards of 700*l.*; the expense of the patents, which amounted to between 400*l.* and 500*l.*; law expenses about 450*l.*; and travelling expenses about 600*l.*; and several hundred pounds for advertising, printing statements, engraving plans, and otherwise to bring the invention into notice. Besides these articles of actual outlay appearing from the books, a variety of other charges fall to be taken into view, such as for yard and counting-house rents, clerks, superintendence, stationery, taxes, insurance, &c., which are not debited in the books, but which may be very moderately stated at 200*l.* per annum on an average for the whole period of the patents. The first state which I exhibit is one showing the whole of the licenses sold under the Scotch and English Patents on one side, and the amount of the annual charges above alluded to brought against these licenses on the other, explained by a second state containing a more detailed statement of the classes of expense, and their apportionment between the profit on licenses, and the profit on the manufacture of slips.

How many licenses are they?—Thirty licenses in all under the Scotch and English Patents.

And

And what was the sum total to the Patentee?—Six thousand two hundred and eighty-two pounds, sixteen shillings and three pence.

What is the sum total of your charges?—Up to May 1825 the charges against the licenses for Scotland and England are 1,303*l.* 18*s.*, and the licenses for Scotland and England are 1,353*l.* 5*s.* 2*d.*, thus leaving a balance on these licenses, at that date, of 49*l.* 7*s.* 2*d.*

Take the subsequent years and see what the licenses have been, and the sum total of the expenses in those years?—The licenses, after May 1825, are 4,978*l.* 18*s.* 3*d.* including the balance of 49*l.* 7*s.* 2*d.* brought down.

What are the expenses?—One thousand eight hundred and fifty-four pounds, eight shillings and seven pence, leaving a balance of 3,124*l.* 9*s.* 8*d.* That is to February 1831, being the last balance of the books.

Does that include the whole licenses?—The whole of the licenses for Scotland and England. The whole amount of licenses in Ireland to the last balance in the books, of which I have a separate state, is 850*l.* The amount of debit is 475*l.* 15*s.* 11*d.*, leaving a balance of profit on those licenses of 374*l.* 4*s.* 1*d.* The profit on the whole licenses thus amounts to 3,498*l.* 13*s.* 9*d.* Besides this, however, which is to be regarded as the true profit of the patents, some additional profit has arisen on slips manufactured by the Patentee. The whole value of his manufacture amounts to nearly 20,000*l.*

Would your papers enable you to divide that, so as to show the profit on the manufacture; is that the whole amount of the manufacture?—That is the gross amount of the manufacture on which the profit, after deduction of the proportion of the general charges allocated upon the manufacture, is 2,239*l.* 5*s.* 3*d.*

That is the whole profit?—That is the net profit, making the whole profit up to February 1831, on the licenses and manufactures jointly, 5,737*l.* 19*s.* That is the net amount of profit to the Patentee on all his patents and manufacture.

Upon the statement you have given, has not Mr. Morton been deceived in saying he charges 25 per cent. profit?—The 25 per cent. was stated by Mr. Morton as what he would conceive to be the whole rate of profit including the licenses.

Is the Committee to understand, that if Mr. Morton is himself employed to put up a slip, he charges 15*l.* per cent. profit, and then adds what the license will be. For instance, if he takes it for a vessel of 400 tons, he adds 15*l.* per cent. to the cost of the materials, and then adds 200*l.*?—I do not think it is exactly that. The license was looked upon in all cases as the proper profit under the patent, and there was a small profit also charged when the Patentee was employed to make the slip. I should think the confusion on this point has arisen from the circumstance of Mr. Morton himself not having kept the books, in consequence of which he is not so well prepared to speak to the detail of the profits, though he knows the general result.

Will you satisfy the Committee what it is you charge for profit on any thing for which it is charged. When you make a slip yourself for a 400 ton vessel, you having to pay all the expenses; to do it at Leith, for example; what do you charge the person who employs you for your profit?—There will first be a sum for the patent license, which is looked to as the regular profit, but when the article is manufactured by the Patentee, he charges in the second place a small per centage, which amounts to about 10*l.* per cent. on an average, to meet the risk of furnishing the materials and other contingencies attending the manufacture.

He charges on his own goods 10*l.* per cent., and then he adds the patent license?—Yes.

You have made slips to the amount of 20,000*l.* On that you have a profit of 11*l.* or 12*l.* per cent., but taking it in detail you say you ought to have 25*l.* per cent., now have you not that?—It amounts to between 25*l.* and 30*l.* per cent. on licenses and manufacture jointly.

What has been your profit on the whole?—That is what I have mentioned before, 5,737*l.* 19*s.*

Is that independent of the profit included in your first charge?—That is the whole profit on all the patents.

The total profit on licenses is 3,498*l.* 13*s.* 9*d.* and for the manufacture 2,239*l.* 5*s.* 3*d.*?—Yes.

Since getting the patent, what has been the total of your expenses, and what the total of your receipts?—I have a statement made up from the books, showing all the articles at the debit of the patent slip in the books, in different branches;

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and also the articles at its credit. The amount of the whole debit is 22,038 £. 13 s. 4 d., and the receipts 27,749 £. 13 s. 3 d.:

Leaving a balance of	£. 5,710 19 11
To that sum falls to be added, first, a balance of outstanding accounts due to the slip, when the accounts were balanced in 1826, which is not included in the above, viz.	1,504 1 8
Second, an increase, which the books show to have taken place on the stock used in the trade, amounting to	259 9 8
And third, the profits arising on a separate account kept for one branch of the manufacture during the last four years, being	<u>763 7 9</u>
Together	8,237 19 -
From this sum there falls to be deducted the miscellaneous charges explained above, amounting to 200 £. per annum. These, for 12 $\frac{1}{2}$ years, amount to	<u>2,500 - -</u>
Leaving a net profit as before of	<u>5,737 19 -</u>

When you send slips abroad, what part do you send?—Generally the iron work only.

When a slip for a vessel of 300 tons is ordered from abroad, the expense of that slip in this country would be 800 £. That includes the timber work. If the materials for that slip were ordered from abroad, what amount of materials would be sent?—I can scarcely answer the question, but I know that the chief expense is in the iron work.

To Mr. *Morton*, sen.]—Supposing the slip in this country would cost 800 £., how much cost of materials would be sent abroad?—Twenty per cent. would be deducted from the 800 £. for the timber work, which is not generally sent.

That would leave 640 £.?—Yes; but we charge an extra profit on the manufacture of slips sent abroad.

To what extent?—Upon the whole it has been about equal to the license.

To Mr. *Morton*, jun.]—What is the amount of materials sent abroad; the sum total; and the profit on that?—The states which I have will not show that, but a state can be prepared, if it is necessary.

In the debit articles, amounting to 22,000 £., the expense of the law suit you had to sustain for the infringement of the patent, is included?—Yes.

What was the amount of that expense?—Somewhere about 430 £. or 450 £.

Was there more than one law suit?—Only one.

That was defending the patent?—Yes.

You said the amount of the exclusive licenses granted to Greenock and Port Glasgow was 400 £., what was the amount charged for the renewal?—So far as I am aware there is no charge made for the renewal, but I have not the deed, and cannot speak positively.

Have you debited interest on the states to which you have referred?—The states do not show interest. I believe the operation of interest would be very small. The interest the one way on the first expenditure would be about balanced by the interest the other way on the subsequent profits.

How many years is it since your Uncle took out the first patent that he has actually derived any profit from?—It is about 14 years since the first patent was taken out. One of the states which I have exhibited, shows the balance on all the patents and manufacture at the period when the Scotch and English patents were half expired. The balance against the Patentee at that date was 1,173 £. 0 s. 3 d.; so that if he had then been unable to prosecute his invention farther, he would have been a sufferer by it to that extent.

Was that in 1825?—Yes.

Then the 49 £. odd, exhibited in the license account at that date, was not a balance on the whole?—No; there was a loss of 1,173 £. on the whole patents at that date, if, as I have just stated, all the charges are brought into view, which is not the case in the license account.

You have included all these charges in your other calculations, so that the whole result mentioned before has included them?—Yes.

To

ON MORTON'S PATENT SLIP.

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To Mr. Morton, senior].—At the time your patent was taken out in 1818, there was a great redundancy of shipping, was there not, unemployed, at Leith, and several ports, which tended to keep back the slip?—No, I do not think so; the thing was new, and it cost a good deal of money to erect, which were the principal causes.

But in Scotland from 1818 to 1824, there was a great dulness in the shipping trade, was there not?—Not more, I should think, than now.

Mr.
Charles Morton
and Mr.
Thomas Morton.

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Captain Samuel Warren, Examined.

DID you see this in operation?—Yes, on a small vessel at Leith.

Capt.
Samuel Warren.

What was the description of vessel, and what was your opinion?—It was a small vessel of 100 tons, as well as I recollect.

Where was it?—At Leith.

Did you see the operation?—Yes.

Was she brought up on the slip with great facility?—Yes.

Was there any sea?—No; it was in the harbour, in smooth water.

And hove up without any difficulty?—Yes.

How many men were there employed at the capstan to heave her up?—About six.

Have you any remarks to offer to the Committee?—No; I think it a very useful invention.

Did you happen to be at Plymouth when the Kent was hauled up?—No.

Captain Basil Hall, R.N., Examined.

WOULD you have the kindness to give the Committee any information on this subject, if you have seen this in use?—I have seen many vessels hauled up with it.

Capt.
Basil Hall, R.N.

Where?—Four or five at Leith, and several at New York.

Is the one at New York precisely the same?—In some of the minor details it is different; at first I considered them improvements, but not afterwards.

On the same principle?—Yes.

Did they have it from Mr. Morton?—I am not aware of that; they never spoke of it except as his invention.

What is the largest vessel you saw hauled up?—I saw a vessel of 800 tons hauled up at New York, which, I believe, is larger than any drawn out of the water in this country on Morton's Slip.

Was it with great facility?—With perfect ease, safety and expedition.

Did she come in the ways readily?—She came in it very readily. I may here observe, that the whole frame-work, on which the ship rests, is first sunk below the surface of the water, and then placed under the vessel; it is now secured firmly, and then this frame-work is pulled on the slip, with the ship upon it.

The vessel is brought on it?—Yes; and then the frame-work is drawn on the slip. The purchases are applied exclusively to the frame, never to the ship herself; and by this means all strain upon the vessel is avoided.

At what distance was this vessel of 800 tons fitted into her frame from the water's edge?—I can hardly say. Of course, in high water, the slip extended for a space between 50 and 100 yards into the water; the rise and fall is not very considerable at New York, eight or ten feet I believe; but she was placed in this frame securely nearly at high water.

How long were they doing that?—I cannot exactly recollect; I think it was under two hours; they had her up high and dry from the first commencement. The fact is they had become very expert at the operation, and they drew her on very easily.

When once they began to heave they made no stop?—She was hove up by steam. The slip at New York is connected with a set of flour-mills, and when a vessel is to be hauled up they arrange so as to suit the tide, and having turned off the steam from the mills, apply it to the purchase to draw the ship up. The only material difference that I saw between the two slips was, that instead of using a flexible chain, such as Mr. Morton makes use of, they employ a stiff chain, composed of large and powerful links, which are not capable of turning round the barrel, though they possess a slight degree of flexure. It is furnished with holes which fit the cogs of a wheel. Their object in this contrivance is to possess the power of pushing the vessel off as well as pulling her on. The nature of the ground there would have caused considerable expense to have made a slip of sufficient inclination for the ship to launch herself; some vessels, indeed, go off without this thrust, but

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Capt.
Basil Hall, R.N.

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others will not go without it. At high water, when it is required to launch a vessel to save the tide, she is pushed off merely by turning the machinery in the opposite direction, when the thick chain then acts as a forcing bar. There is room at the back yard where this chain or bar lies over tressels. Upon one occasion, just as the vessel had nearly reached her station, I forgot from what cause, one of the links snapped, but the palls caught her; she did not run back into the water.

When they are endeavouring to get a vessel off, they have the means of keeping these palls up?—The mode of launching is to set on the engine and pull the ship up for a few inches, then lift up the palls; if she does not go off then by herself, they turn the engine slowly the other way, and she is readily pushed off the slip.

Do you happen to know what was the power of the steam engine that drew this up?—I cannot say exactly, probably a fifty-horse engine.

Do you know if they had their whole power upon her?—I am not sure, I rather think they were apprehensive of breaking the chains, and therefore hove up slowly.

Was the vessel perfectly light, or very heavy?—I think she had some of her ballast in, but she floated very light; she was at least 800 tons register; she might have been more capacious, but certainly not less.

Upon the whole do you consider that it is a very valuable invention for the public?—In my opinion it is not only very valuable, but a great improvement upon docks; it has several material advantages over docks.

Do you consider it original?—As far as I know it is so, I have seen nothing like it of any invention.

You think it might be applied to vessels of any size?—Certainly; I have not the least doubt that Mr. Morton or any person of experience could make one to pull up a three-decker; for I really see no limit. The principle is to bring the frame under the vessel, and support her on it, and then to pull, not the vessel, but the frame on the slip.

Is there not some inconvenience from the extent you have to draw it?—Yes; but when you have smooth ground, you may carry it to any extent.

The only difficulty is the limit that would be required to hold a three-decker?—As the slips may be constructed of any required length, this need be no obstacle. If the materials be strong enough, there is no limit that I can see to the application of the principle. I have seen several vessels at Leith of considerable dimensions, between 300 and 400 tons, drawn up on the same slip by their own crews. There is no occasion for hurry, and as soon as the ship gets above the influence of the tide, the men at the winches may take any time they choose.

Could you give the Committee any comparative idea of the greater facility by which a vessel is hauled up by this plan than by the old plan?—I should think there is no comparison whatever. The advantages of the present over the old plan are infinitely great.

Would you not consider it a very great national injury to the British shipholder, if he were excluded by the renewal of the patent from using this?—If he were entirely excluded, certainly.

Are you aware if there is any difference in the plan at New York from what Mr. Morton adopts in this model, from the mode of overcoming the friction when the whole weight of the vessel comes on the frame, which is done by means of rollers here?—No, I could see none.

Should you have thought the immense friction of a vessel of so large size as a three-decker being put on that cradle, would be too great to be overcome?—I see no reason for it if the wheels are sufficiently numerous, and that smooth railroads are used; or that a less steep inclination of slip is adopted.

Can you state the advantages, if any, that this has over the docks?—One advantage is in the difference of the original cost; but practically speaking, I think it a great advantage to have a vessel above ground, instead of having her sunk below the surface. We may also calculate upon an hour or an hour and a half of day-light being gained every morning and evening. I have watched the workmen at sunset, and there appeared to be a clear gain of an hour and an half of good light to work by, owing to the lower part of the vessel being above ground instead of being sunk into it. It is sometimes of importance also that the vessel's bottom should dry quickly, now the dock is wet, but on the slip the vessel is drawn so far up, that the air passes freely through her, and the planks soon become dry. I have observed in most docks a good deal of awkwardness in handling large timber in the lower part of the dock. Long spars also are very difficult to be got up and down, whereas when

when she rests on Morton's slip, the vessel is as commodiously situated as if she were in the building dock.

Capt.
Basil Hall, R. N.

Have they any sheds over these slips in America?—No, none.

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Upon the whole you consider it more advantageous than a dock?—Certainly. I am aware that in countries where the rise and fall of the tide is very small, an enormous deal of trouble is saved by avoiding the labour of pumping the water out of dock.

When these vessels are hauled up, how are they supported; do they leave the cradle about her, or take it away?—They put in shores immediately, and relieve the cradle, which is then removed.

How do they get the cradle from under her?—The recent improvement Mr. Morton has made is such, that they have the power of supporting the vessel by shores in the usual way, with a slight degree of wedging; the vessel rests on them. The cradle then slides off, and answers for drawing another vessel on the same slip. I have never seen any practical difficulty in relieving her. In half an hour after the ship had been drawn up, the cradle was gone, and the vessel supported by shores, that is to say, the chocks and every other impediment to the workmen was removed, and the people were seen tearing off the copper, and otherwise at work fore and aft.

She was quite free?—Yes, from end to end.

If any private ship builder wished to have full means of repairing his vessels, would it be more for his advantage to place one of these slips in his yard, than to excavate a dock?—It certainly would be vastly less expensive, and when completed, the patent slip would be more efficient. I stated formerly that it would be an advantage where the rise and fall of tide is small, in consequence of not having to pump the water out; but on the other hand the slip would require to be carried much further into the water than where the rise and fall is great, in order to get the vessels on the slip. In places where there occurs a great rise and fall of tide, and advantage can be taken of the tops of the tide to place the ships close to the end of the dock, there is no necessity for carrying the slip far into the water.

Mr. George Graham, of Harwich, Ship-builder called in; and Examined.

HAVE you one of Mr. Morton's slips?—I have; it is calculated to take up a ship of 500 tons.

Mr.
George Graham.

Will you state to the Committee how long you have had that slip, of what service it has been to you, and your general opinion of it, and why you put it up?—I have used the slip six years, and during the first five years I took up 84 vessels of various classes: the largest was about 386 tons.

By whom was it fixed?—Mr. Morton supplied the materials, and I laid it down myself; he supplied the ironwork only.

You paid for the patent right and did it yourself?—Yes.

Will you have the goodness to state to the Committee what was the cost or the outlay to you, independently of what you gave to him?—I gave to Mr. Morton the usual patent fee of 200*l.*, and including every other charge, it cost me 3,040*l.*; it is calculated to take up a ship of 500 tons; it may be necessary to state, that in consequence of the nature of the ground at Harwich, I was necessitated to drive two tiers of piles within four inches of each other, to carry the centre way, and a single tier to carry the sideways.

Was the entire amount of 3,040*l.* paid to Mr. Morton for the materials and the patent right?—The sum of 3,040*l.* includes every expense. Mr. Morton supplied the iron work only; the precise amount paid Mr. Morton, I do not now recollect; there was a regular scale, and Mr. Morton's statement will give the price of the ironwork.

You do not recollect the sum total you paid Mr. Morton?—No. In consequence of the slip at Harwich being very much exposed, it was thought the lifting of the sea would cause vessels to strike so hard upon the carriage, as to break the iron railway if it were of cast iron; I consulted Mr. Morton upon the propriety of making it of wrought iron; he entertained the same opinion as myself as to the hazard of laying it of cast iron; the experiment of substituting wrought iron bars was made, but it was found they would not bear the weight of the ship. This alteration, combined with making a secure foundation, will account for the additional expense.

It has always answered?—It has not moved in the least.

Can you state how much you paid to Mr. Morton for his patent right, how

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much for materials furnished, and how much you conceive you paid to Mr. Morton for the changes you were obliged to make in the materials?—The whole amount paid Mr. Morton, as appears by his accounts, is 1,089 £. 11s., which includes the 200 £. the patent fee, and the changes.

What sum do you suppose the changes cost?—It was understood between Mr. Morton and myself, that provided the wrought iron did not answer, Mr. Morton should supply me with cast iron, taking back the wrought iron, and I should merely pay the expense of freight and other incidental expenses; these amounted to between 40 £. and 50 £.; I think the sum I paid Mr. Morton amounted to between those sums.

Will you state to the Committee how you have found it answer, and your general impression of its advantage?—That the Committee may be enabled to compare the improved with the old system of heaving up ships, it may be necessary that I state the expense attending the latter. We have drawn up ships of 1000 tons and downwards, on the old principle: upon the old principle the ways were laid on two inclined planes, by timber across, and planks laid on them on each side of the ship. [*The Witness further explained the difference of the plans by referring to a model of the Patent Slip, calculated for Frigates, which was upon the table.*]

What was the expense on the old plan of a ship of 500 tons?—In taking them up on the old system there would be a great risk and much variation in the expense, arising out of circumstances against which no human being could guard, by which the expense might be increased very considerably, in some instances more than others; a ship of 450 tons would cost 195 £. exclusive of the wear and tear, of falls, and the materials to set her up with afterwards; this was owing to various circumstances which added considerably to the expense; a ship of 666 tons cost 153 £.; taking the average of the two, 170 £.

That would be 170 £.?—Yes; on Mr. Morton's principle I could heave up a ship of 500 tons for 3 £., and there is no risk whatever, if the ship is as weak as it is possible, she may be brought on without the slightest injury.

By the old way you were obliged to secure the tackles to the vessel herself?—Yes.

Therefore if there were any weakness it would injure the vessel?—Yes.

Is there any strain on vessels by the new plan?—No, none.

How would they have managed to get a vessel on the ways when there was little or no tide?—It could not be done upon the old plan; it would require two or three days to heave up a large ship.

Where there is little or no fall of tide, and close to the shore, how would a slip of this kind be laid down?—It might be carried out and laid upon piles, upon which a platform to receive the slip has been laid. I am informed this has been done in Ireland, and the slip carried out considerably below low water.

How is it carried?—A frame is made carrying the three lines of ways; the upper part being secured, the others are forced down in their places, and piles driven down to secure them.

Must not piles be driven as a foundation?—Not in the extreme part, in consequence of there being little or no weight upon that; the extreme part serves merely as a guide to the carriage.

How high from the foundation part—the keel—does the cradle come up in your slip?—The additional height is attained by placing more or less blocks, according to the ship's bottom.

Still you must have something to hold those blocks?—Yes.

What height are they from the ground?—About two feet, the under side.

Did you not say it cost you 500 £. to draw up a vessel of 1000 tons?—Yes.

What would it cost by this mode?—I suppose, of course, if the carriage and materials were made additionally strong, it would cost about 12 £.

You need hardly be asked if you consider it a useful invention?—I think it is one of the greatest improvements we have had; it is applicable to any case, and may be used in a situation where it is impossible to have a dry dock.

Do you consider that 5,000 £. is a sufficient remuneration for the inventor of this?—I think not; he has devoted much time and much expense. I should have considered his expense considerably more than he has mentioned; he must have failed in many instances.

Knowing ship-building well as you do, and the principles on which he grants his license, do you consider any injury could accrue to the shipping of this country, if the patent were renewed?—Not at all; the advantage is so great, the sum so small, compared

compared with the advantage. Ships are repaired at a much less expense; there is a great saving to proprietors; men perform more work in the course of the day; the hours of work are increased during the winter months; the ship derives great advantage from the circulation of air in every part; and there is also the facility of conveying materials, and observing the progress made in the work from every part of the premises.

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You are aware this is put up in foreign countries?—Yes.

That is without making any payment to Mr. Morton?—Yes.

Does not that place the ships of this country in a disadvantage as compared with the ships of a foreign country?—In foreign ports where ships are, and requiring repair, they will have it done. The amount of the patent fee I do not conceive would alter the intention of any person disposed to lay down the slip. Its advantages are so great, I cannot see any injury to the shipping interest.

Have you ever found that the rollers have been crushed?—No; I have tried mine to the full extent it was calculated to bear; neither have I found the abutments vary; mine is only a sandy foundation.

Have you found the keels of the vessels bent?—It is utterly impossible. The reason I say it cannot possibly be bent is because she is supported not only in the centre, but also at the floor heads, and should the purchase break, the ship cannot be injured, no part of it being fast to her.

Are you aware of the improvement Mr. Brown has made?—Last week I heard it for the first time. I do not know the principle of it; I merely heard that he had recently taken out a patent for something, but the principle I am ignorant of.

You say the keels of vessels are never injured by this invention, did you find them injured by the former mode?—There was very great risk; if a ship was weak, she would naturally yield, the weight being thrown on the midship part of the ship; if the two extremes were unsupported, that would strain the ship; if a ship's keel were broken, or if her back were broken, she would yield very considerably under the old system.

You have considerable sea at Harwich?—Yes.

Have you ever used your slip when the sea has been running?—Yes.

Did you at those periods find it easy to bring the ship into her place in the cradle?—It is rather troublesome, but I should say not more so than on the old principle.

In the course of your experience with this, have you ever had the accident happen to you at the time you intended to bring the ship up, of missing to bring her into the cradle?—Yes, several times; in consequence of the sea running, it became hazardous; I was then obliged to take her off again, it was impossible to hold her.

It is not very easy to point her into the place you mean to bring her?—It requires nothing more than care; if the wind blows hard, it is difficult.

Do you allude more particularly to the wind or to the sea?—Of course to the sea.

Is it necessary to point her in with great nicety?—Yes.

If the ship were to get on one part only, it would strain her?—It would make her strike on one side, and the sea running from under her might cause injury to the carriage.

When you cannot point her in without that, you are obliged to desist?—Yes.

To that extent the machinery is inferior to a dock?—It will be impossible to bring her into dock under circumstances when you cannot bring her into the slip.

In no instance in which you would not fail to get her into dock, would you fail of getting her into a slip?—In no instance at Harwich; when a ship is in dock in other ports, there would be less trouble in placing her. It is these winds and sea that would cause the difficulty with me.

Generally speaking, that is a small disadvantage, that in blowing weather, or when there was much sea, she might be got into dock, when she could not be got into slip?—In some cases it would be the case, but not so in Harwich.

Did you say the foreign ship-builder would not have an advantage if this patent is renewed, by being free to use the invention without paying for the license?—My observation extended to the injury of the British ship-builders.

Do you not think that the foreign ship-builder will have a decided advantage over the British ship-builder if the patent is renewed?—I cannot exactly see the object alluded to in the question; but in the way in which I understand it, it is

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drawing a comparison between the two, and whether the foreign ship-builder will not be benefited by being allowed the use of the slip.

The foreign ship-builder does not pay for a license, and the British ship-builder does, do you not consider therefore that the foreign ship-builder will have so much the advantage over the British?—I cannot think it will make any difference to a British ship-builder.

Do you not think that if this patent were not renewed, there would be a great many more of these slips adopted than if it were?—I should think not.

Why?—Judging from my own feelings, if I were disposed to lay down a slip, the remuneration of the patent fee would never operate with me to deter me from laying it down.

Is it not applicable to the smallest craft?—Yes.

Cannot you suppose in fishing villages that a slip of this kind might be used to draw up all the small fishing craft?—Of course.

Do you not consider it would be a great hardship to them to pay for the license?—No; a man who is able to incur the expense of laying down a small slip, would not be deterred by the small additional charge of 20*l.* or 30*l.* extra, if he were disposed to lay it down.

You do not consider that the renewal of this patent would be a disadvantage to the British ship-builder?—No.

How long has your slip been laid down?—Six years.

From the experience you have had of the wear and tear of material, how long do you suppose it is likely to last?—At Harwich the worm bites excessively; the lower part of my ways are nearly gone, and I am about laying them down new.

When you are required to repair the wood work, have you to pay any additional fee to Mr. Morton?—It is all comprised under the first fee.

Therefore, under no circumstances could you be called upon to pay a fee to Mr. Morton?—No.

Therefore the only charge you incur, may be stated to be the interest of the money you expend on the patent fee?—Precisely.

Do you think that this expense would deter any person from using the slip if he were otherwise disposed to lay down one?—Certainly not.

Do you consider that this invention has saved many thousands of pounds to the shipping interest?—Yes, unquestionably; these slips afford so many advantages that even if there were docks in the same place, the ship-owner would prefer heaving up his ship on the slip.

It appears from your statement, that upon the average the expense you incurred for hauling up a vessel was 170*l.*, so that you saved the whole of the patent fee by the first vessel you drew up by means of this slip?—Yes, of course.

Have you any posts by which you get the vessels in after you have laid your ways down into the water to receive the vessels?—I have on each side a dolphin for making the guy fast to.

There is nothing to show the manner in which she is to be brought in, is there?—There is a guide by which we bring the stem into that situation. [Mr. Graham explained his meaning, and showed how the operation is performed, by referring to the model before the Committee.]

Having one of these slips, your attention has been naturally called to any changes that have been made, are you aware that Mr. Morton has made any beneficial alteration in the plan?—Since my slip was laid down, there are the two additional ways in the centre, which is a great improvement.

Have you adopted that?—No.

If you do adopt it, you would not have to make any further remuneration?—I do not know how far Mr. Morton would expect it; mine answers very well without it.

Do you consider that your payment to Mr. Morton entitles you to benefit by any improvements he may make?—I conceive I have no claim; it must rest with Mr. Morton how far I may have the use of it.

You are aware that he has made that improvement which you consider very beneficial?—Yes, since I have been in the room; and that is an improvement for large ships.

Has that been adopted at Harwich?—No, I have not seen it till within the last hour.

Supposing you had to repair this slip, and that the repairs went really to the making of a new slip, would you be able to do so without payment for the patent fee?—Oh, certainly.

Could

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George Graham

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Could you give the Committee a statement of what the apparatus would cost on the old system of hauling up the vessels sufficient for your yard?—I cannot, for I have all these things ready for launching, and the materials used in launching serve for the purpose of bringing up; I have never made a calculation.

Under the old system there would be new ways to be laid down for each vessel?—The materials, the foundation, if I may so speak, on which we lay the ways when a slip is regularly constructed, consists of a platform or pieces of timber sufficient to carry a ship. They would have to lay down blocks of four feet in length, and varying in breadth from 18 to 20 inches, and five feet from centre to centre of each block, on which is laid a platform of plank; that is the old system.

What do you suppose would be the expense of preparing that permanent portion of the ways under the old system?—I never have constructed one; the construction of a slip on the old system, is attended with very considerable expense. I have never seen one constructed, and I am unable to answer that question; it would be very considerable.

You used to haul up vessels yourself before you had this?—Yes, of various sizes.

What expense did the preparations of that cost you?—I have stated the expense of labour; but the materials of capstans, and the other apparatus I have for other purposes as well as for these occasions.

There is a certain portion of fixed machinery required under the old system of slips?—Yes.

Can you state what it would cost to give you the amount of fixed apparatus?—Really, I scarcely know; the materials of the capstans with the falls, and altogether, would not be less than from 1,000*l.* to 1,200*l.*

That was before you could do such a thing?—Yes.

You think the first cost of hauling up the vessels must have been from 1,000*l.* to 1,200*l.*?—That is exclusive of the original construction of the slip, but including capstans, falls, &c.

You have, before this invention was known, hauled up a vessel into your yard as large as 300 tons?—Yes.

Had you ever hauled up a vessel of 1,000 tons before this party's invention?—Yes.

You speak of hauling them up on these slips, did you construct your slip?—The materials belonged to me; the original foundation, that is, the slip, was formed previously: the superstructure was my own.

If you had not had the possession of these slips, and a vessel upon the old plan wanted to be hauled up, what would have been the outlay you must have gone to, to enable you to haul her up to look at her bottom?—A very considerable sum to construct a slip and apparatus; I think it would come to about 2,000*l.* as near as I can possibly tell.

You say that if you were now commencing ship-building, and had a yard at Harwich without a slip at all, it would cost you nearly 2,000*l.* to erect a slip on the old system that would be applicable to all kinds of vessels?—Yes, with the materials for heaving up.

You consider that this would cost 1,000*l.* less than the other?—Yes.

Then you gain the advantage?—Yes, the materials saved, and other advantages.

You consider that you have no direct claim upon the improvement of the patent?—No, not on the improvement.

If the patent were renewed, you would not consider you had to pay any more?—No; as to any improvement in the patent at present, I am not aware if there is a patent for that.

How long have you taken out a license?—It is now six years.

Are there any more ship-builders at Harwich besides yourself?—None.

You have the exclusive right then?—There is no other ship-builder at Harwich.

You have the exclusive right at Harwich of using it?—I have the only slip; but if I am to understand it to be asked, whether I am to be entitled to it exclusively at Harwich, and no other individual, I should say certainly not.

Have you made an agreement with Mr. Morton that he shall not grant it to any one else at Harwich?—No.

Pray during the six years you have had the slip, how many vessels have you hauled up?—Eighty-four.

What was the average cost of hauling up these vessels?—If I give the Committee

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a statement of the grade of prices for the various tonnage, it will suffice: under 50 tons the charge would be 15*s.*; from 50 to 100 tons, 1*l.*; from 200 to 300 tons, 2*l.*; from 300 to 400 tons, 2*l.* 10*s.*; from 400 to 500 tons, 3*l.*

What is the largest vessel that has been drawn up?—Nearly 400 tons, not quite.

What would it have cost on the old plan to have hauled up this vessel?—A vessel of about 90 tons would be 17*l.* 15*s.*; 200 tons was 60*l.*, and the others of a larger size 500*l.* and 600*l.*

Do you apprehend there would be any difficulty in applying the power, without much friction, to larger vessels?—No; I think it might be constructed to carry almost any size.

You can multiply the power without increasing the friction?—The power may be increased to overcome the additional friction: a slip for vessels of large size would not have so much inclination as at present; my slip is one foot of inclination in sixteen; if the slip were much larger it might be different; in the old way we can only get half an inch declivity in a foot.

You do not think the weight of a line-of-battle ship would be an obstacle?—It would be a great weight, and require much precaution and care in making the slip secure.

Would there not be difficulty in heaving a ship of 74 guns, with the wind on her broadside?—From the blocks which are placed at the floor heads, it would scarcely be possible for the wind to get her over.

But it must make an unequal pressure on the other side?—Immediately the water begins to leave her she is supported; whilst two-thirds water-borne, the blocks are drawn under.

What extent of ground do you require for a capstan?—The sweep of the bars; mine are horizontal wheels.

How many men do you use in heaving up the largest vessel on the patent slip?—Forty men; she was nearly 400 tons.

What do you calculate the exact weight of that vessel?—I do not know; I have no opportunity of ascertaining the weight.

How long were the 40 men employed in conducting the operation?—About three hours.

And at what do you estimate their labour?—The total charge is 3*l.*; under the old system it would be about 160*l.*

How many feet high was that vessel from the ground to the gunwale?—The depth of the ship, I should think must be about 27 feet.

How many feet above the inclined plane was she drawn by the 40 men?—The length of the ways is 418 feet; I only took her up free from the water about 230 feet.

How far did you heave her?—About 230 feet.

The 40 men actually worked her up 240 feet in three hours?—Yes.

What was the perpendicular height from the place where you first began to haul?—One foot in 16.

Are you aware that any improvements have been made in the slip in other places?—No.

Are you aware that spherical rollers have been used instead of the rollers which are used by Mr. Morton?—No, I have heard of no other alterations.

Have you ever been at Woolwich?—Yes.

Do you know the new building slips?—I have not seen them.

Do you apprehend it is probable that as this invention becomes more generally known it is likely to be more generally adopted?—I should think decidedly so.

Consequently the ratio of profits would be much greater in that space of time following, than the last six or seven years?—Yes, certainly.

You know the yard at Woolwich, do you think Slips could be adopted there?—Yes, anywhere; the only difficulty would arise from the circumstance of not being allowed to carry the ways into the Thames; therefore you would be under the necessity of excavating into the yard to obtain sufficient length for the ways.

You might apply the patent slip to that?—If permission to carry them into the Thames be obtained; otherwise the ground must be excavated in the rear.

Do you mean to say as to these slips, you know how far they could be carried?—Yes.

If your ways are projected into the Thames at low water, in the same inclination the slip has, is there any reason why that addition, without excavating further inland, would not answer?—None; but I believe it is not allowed to extend obstructions into the Thames.

What

What height is the running way?—Just clear of the ground.

You are aware that there is a basin at Woolwich to contain large line-of-battle ships?—Yes, I have understood so.

Do you think this machine could be laid down to be used from that with advantage?—I do not know; it is necessary to have sufficient water to float the vessel on the carriage, and therefore you must either excavate or carry the ways into the river; my slip is 120 feet without, and the rest is in the yard.

Ms.
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Sir Thomas Byham Martin, a Member of the Committee, being examined in his place, stated,—

Sir
T. B. Martin.

The Kent, which was hauled up at Plymouth, on the old plan, cost 1,436*l.*, but that expense included the taking off a very considerable portion of her top-weight, all her poop, and so forth; and also taking her into dock, which was absolutely necessary to fit the cradle; for in order to haul her up on the slip the ship was prepared in every way like a ship to be launched, and which could not have been done without taking her into dock; she is of the largest class, upwards of 1,800 tons.

To what tonnage was she reduced before she was put on the slip?—I cannot tell; the slip was already made, so that no expense was incurred on that account; the charge altogether was 1,912*l.*, but reduced to 1,436*l.* because the difference was for works permanently and generally useful. The expense of docking a first-rate is about 35*l.*, but if from want of water it is necessary to heave her into dock, the expense will be about 100*l.*: docking a frigate 21*l.*, a sloop about 10*l.* The heaving down the Eagle, of 74 guns, at Malta, cost 942*l.*, besides straining and injuring the ship, which would be avoided if Morton's apparatus should be introduced on slips in the Colonial yards.

Martis, 10^o die Aprilis, 1832.

Mr. *Thomas Morton*, again called in; and further Examined.

HAVE you a copy of your letters patent here?—They have been put in.

Did you grant any assignments of your patent right to operate either generally or locally?—Locally, confined to the place or district.

State the number you have granted?—There was one at Greenock and Port Glasgow, to Messrs. Carsewell.

Was that exclusive?—Yes; it was confined to the ports of Greenock and Port Glasgow.

How far did it extend?—Over Greenock and Port Glasgow, and probably a mile below Greenock, and between Greenock and Port Glasgow.

Have you got the agreements with you?—I have not.

Was the agreement in writing?—It was in writing.

Have you got it with you?—Mr. Carsewell has it; I have not got a copy of it. But cannot you tell the heads of the agreement?—The agreement gave an exclusive right over that district.

Was there any agreement besides that; did you tell him you charged 200*l.* for your patent right, and that he must not go beyond that?—It was left quite open to him.

Did you give him your right?—Yes, the same as I have myself.

When was this granted?—I think it was granted probably about 10 years ago.

What did Carsewell pay for this?—He paid 400*l.*

And the exclusive right that you granted to Mr. Carsewell included a district on the Clyde, comprehending Greenock and Port Glasgow?—Greenock and Port Glasgow, and a distance between the two ports, and some little distance below, I do not recollect how much.

That includes two of the largest harbours in Scotland, does it not?—Greenock is allowed to be one of the largest, whether Port Glasgow be the next to it in point of size I cannot say; they are two pretty considerable harbours.

Were Messrs. Carsewell authorized to make any terms they chose with ship-builders and others, who wished to use their slips?—I gave them all the right that I had; they could do the same as I could do myself.

Mr.
Thomas Morton.

10 April,
1832.

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Mr.
Thomas Morton.

10 April,
1839.

Do you know if they have used this privilege themselves?—They have not.

Have they allowed any others to use it?—I understand from them that there has been only one application to use it, and that was made by an individual of the name of M'Millan: I have received a letter from them, dated the 3d April, which contains the following:—

“ We have always been most anxious to exercise our right to the benefit of the patent, but no offer ever was made to us, except one by Mr. M'Millan, of Greenock, but it was made when the patent was about to expire, when they expected it at a trifling; and at any rate no terms were defined. We also offered to the magistrates of Greenock, as you know from the copy letter in your possession, that if the patent was renewed, the benefit under it should be communicated upon the same terms as were adopted throughout the kingdom, or prescribed by Parliament.”

Have they asked prices which persons have refused to give?—I am not aware that they have.

Do you know whether there are slips at Dumbarton, Bowling Bay or Glasgow?—I am not aware of any at Bowling Bay; there are two at Dumbarton, and one at Glasgow.

And are ships sent from Greenock to be repaired at those slips?—I am not aware of that.

Does this exclusive privilege in Messrs. Carsewell still exist?—It does, to the end of the patent.

Will it be extended if the patent is renewed?—I believe it will.

How can that be?—To the best of my recollection it is so provided in the deed; I am almost certain it is.

Have you had any correspondence with Messrs. M'Millan & Duncan, of Greenock, ship-builders, on this subject?—I think I had a letter from Mr. M'Millan.

And from Mr. Duncan?—Not from Mr. Duncan, but from Mr. M'Millan.

Can you produce a copy of the letter of the 11th of April?—I have not the letter-book here.

Do you recollect the substance of this letter; did it not contain paragraphs to this effect: “ I beg to say that Messrs. R. & A. Carsewell, of Greenock, obtained ‘ an exclusive license for laying down my patent slips, &c.’ ”?—No, I do not recollect that in the letter; was this a letter from Mr. M'Millan?

That is part of your letter to Mr. M'Millan, of the 11th of April?—Yes, I think that might be the contents of it; I think so, but I do not recollect, I have not the letter book here.

Do not Messrs. Carsewell at this moment contend that the benefit of any Act of Parliament that may be obtained, will extend to their assignment?—They do.

Are there any other parties in the same circumstances as Messrs. Carsewell, with regard to exclusive privileges granted to them?—There are one or two others.

Are there not two or three others?—Yes.

Be good enough to state them?—There is Liverpool.

Who has got the exclusive privilege at Liverpool?—It was granted to Messrs. Hetherington, Laird & Addison.

Where else are there any others?—On the coast of Norfolk, to Mr. Haze.

That is three; are there any more?—Yes, to Mr. Laing, at Sunderland, who has an exclusive license for the Tyne and the Wear; there have been a number of slips sold there by him to other parties.

Do you happen to know what profits have been made by any of the holders of exclusive licenses?—I do not.

Have all the individuals paid the same sum, 400*l.*?—No, they have paid various sums.

Messrs. Carsewell paid 400*l.*; what did they pay at Liverpool?—One thousand two hundred and sixty.

Was this all included in the license account handed in yesterday?—Yes, all included.

How far does the exclusive right extend on the Norfolk coast?—I cannot recollect that, but the deeds are here, and they can be produced.

Did you grant any of these assignments to other persons?—To no one else.

And they are all in the same terms, are they not, that they are to have your rights in the patent?—I think they are all in the same terms.

Will you be good enough to state whether it is your general impression as to these agreements,

agreements, that if this patent be renewed, these people will have this right continued to them?—It is my impression, with the exception only of Mr. Haze, as to whom I am not certain.

Is there any exception with regard to Mr. Haze?—I am not quite certain, but I rather think there is.

What makes you think that there is any exception in regard to the case of Mr. Haze?—It strikes me that there was something, but I do not at present recollect what it was.

You consider that they are all alike?—All, except Mr. Haze.

To what extent does the exclusive right granted to the gentlemen at Liverpool extend?—Only to the Port of Liverpool.

Does Mr. Laing confine himself to the two rivers, Tyne and Wear?—Yes, to any part of the rivers Tyne and Wear.

Does the one in Norfolk extend along the whole coast of Norfolk?—No, only a limited portion of it.

How much?—I do not recollect the boundaries of it, but it is not to any great extent.

Where does it begin; does it begin at Yarmouth?—Somewhere about Yarmouth; I do not think any thing has been done in it; there were some improvements going on, but I believe there has never been any thing done in it.

Does it include Yarmouth?—It does not; it excludes Yarmouth.

Does it begin on the Lincolnshire coast?—I rather think it is the whole county of Norfolk, with the exception of Lynn and Yarmouth; but the deed will be put in and will show.

I wish to ascertain what extent of right you have sold to these individuals; have you bound yourself down to these individuals, that you will not allow any other persons to use your patent, or have you sold to these individuals the right of selling your patent?—The right of selling it, that they may make the most of it themselves.

And do you conceive that in getting this extension of your patent, you will be getting the same for them?—Yes.

Then according as I understand it, so far as you have sold your rights to these individuals, you will not be benefited by the extension of the patent?—No, I will have no further payments from them.

Then so far as this operates, there will be, to a certain extent, a restriction on ship-builders for the use of your slip, and no benefit to you, the inventor?—No benefit to me, the inventor, except what was formerly paid to me. In the case of the Messrs. Carsewell, they have given a letter to the magistrates of Greenock, that they will throw the thing open in future to the public, the same as I do myself.

What is the reason of your having the other assignments, and not that to Messrs. Carsewell?—I do not know; I have no motive whatever for keeping it back.

What is the reason you have not got it?—I believe I have no copy, and I did not think of getting a copy, as I did not think it would be required. There was a gentleman who wished to look at an English deed, and that accounts for the English deeds being here, and not the Scotch.

You have got the other assignments, and not that to Messrs. Carsewell?—The English deeds are here, but not the Scotch; there was a gentleman making a bargain about a license, who wished to see the English deeds, and that was the reason the English deeds were brought, and not the Scotch.

Have you lately had any correspondence or intercourse with Messrs. Carsewell on the subject?—Yes.

And were you not aware that this subject would probably come under discussion before a Committee?—Yes, most likely; but it was owing to mere neglect that I did not think of getting a copy.

Do you happen to know the amount of the receipts received by any of the holders of exclusive licenses, Messrs. Carsewell, for instance?—I do not; Messrs. Carsewell, I presume, have got nothing, for they have never sold any slips.

Have you made any inquiry with respect to this subject?—I have not.

Do you know the amount of the sum they asked?—I do not.

Did they ever publish the terms on which they were willing to grant licenses under the authority they had from you?—Not to my knowledge.

On what terms do you propose that the renewal of the patent should be granted?—It was not my duty to fix that; 14 years, I believe.

Do you propose the same rates?—I do not know; the Committee will determine as to that; we meant to have taken the same rates.

Mr.
Thomas Morton.

10 April,
1832.

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Mr.
Thomas Morton.

10 April,
1832.

You say that you proposed 14 years, and the same rates. If, as you state, during the last eight years of your existing patent, you have cleared nearly 6,000 £.; that is 5,700 odd pounds; what calculation have you formed in your own mind as to the amount of profit you may receive now that the thing has become so generally known?—A great many parts of England, Scotland and Ireland are now supplied, and probably the field will not be so great after this, except in the Colonies.

Can you form any idea as to the remuneration to result to yourself?—I cannot.

When did you last advertise this adventure in the newspapers?—I am sure I do not recollect.

As you reside in Leith, did it never appear in "The North British Advertiser," a paper which you know is read in Scotland by all men of business?—It never did, so far as I recollect.

You are aware that that paper is more generally read in Scotland than any other?—For advertisements it is.

When you disposed of your privilege to use one of your slips, as the Committee understand you did to a Joint Stock Company at Borrowstounness, did you undertake that you would not give that power to any other person; I mean the power to erect these patent slips in any other part of the shores of the Frith of Forth?—I did not.

Are the Messrs. Carsewell ship-builders at Greenock?—They are.

Have they got any dry docks of their own?—They have no dry docks, I believe.

And you say that, according to your opinion, they have never used this patent slip?—They never have.

Then what mode do they resort to for hauling up ships for the purpose of repair?—There is a public dock, which I believe they put their ships into.

Do they use the public dock?—They use the public dock, I believe; they have no dry docks of their own, so far as I know.

Their building yard is in the Bay of Quick, is it not?—Yes.

Pray let me ask you, do you consider that by the powers of your patent, you have the liberty of refusing it, if application is made to you for a license?—I should think not.

In case that any one applied to you for a license, and you refused it, would they be at liberty to build a slip?—I am not aware how far that may be the case; I think I am bound to sell the right.

Robert Wallace, Esq. called in; and Examined.

Robert Wallace,
Esq.

THE Committee understand that you have some objections to offer with regard to the renewing of this patent right, and they are ready to hear your objections, if you will be pleased to state them. Are you acquainted with the mercantile and shipping interest in Greenock?—Yes, with both.

Do you know any thing of Morton's patent slip?—I have observed it where it has been constructed, that is chiefly in Glasgow.

How long have you known it?—From the period of its being put up there.

From what time?—From its first being constructed there.

How did you happen to give your particular attention to it?—My attention was drawn very much to the nature of the slip altogether, as a means of increasing the facilities and advantages of ship building, and more especially in the repairing of vessels; at the time that Mr. Morton first introduced his patent to the country at large, ship building, and the shipping interest generally as a whole, were at a very low ebb, at a peculiarly low ebb; for in the year 1818 the redundancy of shipping, owing to the war, had not then by any means come to its lowest position; perhaps there was no time at which ships were at a lower value, and of course the repair of ships was a very material matter of consideration to any man, and every man at all connected with the mercantile or shipping interest; and it appeared to me, from the advertisements that Mr. Morton at that time put into the newspapers, that his plan would not only be the means of cheapening the repairing of vessels, and also the building of vessels, but would bring another class of persons into the market; that it would bring the small capitalist to engage in competition with the larger capitalist, who, to my knowledge, speaking of Scotland generally, were proprietors of building yards of their own, in some of which building yards there were dry docks, and in some wet docks, besides the advantage of having dry docks or wet docks in the town in which their building yards were.

May I ask your opinion of Morton's patent slip?—I thought very highly of it when

when I first saw it, and the more I have seen, and the more I have heard of it, the more highly I think of it.

As you seem to have turned your attention a good deal to this subject, is it in your opinion a new invention?—That is a question that I will reply to, but I reply to it with a great degree of diffidence, as I have not given my attention accurately to any matters of mechanism; I hold it not to be a new invention; I speak under correction, I hold it to be an adaptation of other inventions in common use, to a very useful purpose.

Are there any slips in your neighbourhood?—There are two at Dumbarton, which I may say is in my neighbourhood, as I pass them frequently in going to and coming from Glasgow, where I have frequent occasion to go on matters of business; there are two at Glasgow, one of these has been lately constructed at the end of the harbour of Glasgow; those that I have most knowledge of are those at Glasgow.

Are there any in Greenock or Port Glasgow?—None in either.

Has the use of the slip increased in the district that you live in?—The use of the slip has very much increased; I can speak with confidence to those in Glasgow, and from much more trivial observation; but from information, I speak with confidence as to those in Dumbarton; the use of the slip has very much increased; I understand by the term, use of the slip, the plain meaning of it, and not the number of slips; I cannot speak to that.

Has the number of slips of late years increased to your knowledge?—I can only speak to an additional one at Glasgow.

Are you perfectly acquainted with the towns of Greenock and Port Glasgow?—Very intimately.

Is there much ship-building carried on in these towns?—A great deal in both.

What kind and quality of vessels are built there?—I believe a first rate quality; except in the River Thames, none stand higher in the estimation of mercantile men and ship-owners than those built in the Clyde.

Has ship-building increased in these towns of late years?—I understand it has not increased, but has rather decreased in these towns of late years. I do not speak of my own knowledge; it is my belief, however, that it has decreased.

To the best of your belief, has ship-building increased in the Clyde at the towns of Dumbarton, Bowling Bay and Glasgow?—It has greatly increased at all these three; especially at Dumbarton; it has very much increased at Dumbarton.

There is a slip there, is there not?—Two slips there; there are various slips at Dumbarton. When I speak of slips, I beg to be understood as meaning patent slips.

Do they belong to the same person?—That I do not know.

Do you know if there are any dry docks at Greenock, and of what description they are?—There are pretty extensive dry docks there; not quite sufficient for the trade, but perhaps pretty nearly so; they are of good construction, and one of late years has been constructed after the model of one of the best at Liverpool, which are supposed to be quite complete; this one is also a public dry dock; and there is a pretty extensive one belonging to the largest ship-builder in Greenock.

Are there many ship-builders in Greenock and Port Glasgow?—A considerable number for the size of the ports.

Do you happen to know if it is the intention of the town of Greenock to present a petition against the renewal of Morton's patent for his slip?—I know that perfectly well, for I was sent for by the Chief Magistrate of Greenock to communicate to me that this was to be the case; in consequence, I dare say, of a sort of notice in a newspaper that there was about to be a meeting of the county of Renfrew for the same purpose. It was supposed, and truly supposed, that I was connected with the getting up of the county meeting of Renfrew.

Are there any other petitions from that part of the country?—I know of my own knowledge of the one from Greenock, as I have got a copy of it. I know of the intention of the county of Renfrew to petition the Legislature against the renewal of this patent, and I have heard in such a way as to induce me to believe it, and to have no doubt on the matter, that the royal burgh of Rothsay, in the isle of Bute, is about to follow the same example.

What is the ground on which they object to the renewal of the patent?—The Magistrates of Greenock, although they represent the interest of the town, as proprietors of dry-docks, imagine that it will greatly tend to keep up the price of

*Robert Wallace,
Esq.*

10 April,
1838.

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*Robert Wallace,
Esq.*

10 April,
1832.

the repair of vessels if this patent shall be renewed, and that it will cheapen the repair of vessels and encourage the trade of their port, if the patent shall not be renewed.

Do you know any thing of the exclusive privilege granted by Mr. Morton to Messrs. Carsewell, of Greenock, for the use of his slip?—I know that Mr. M'Millan, a ship-builder, in Greenock, came about six or seven months ago to state to me that he wished to lay down a patent slip, but that he had been refused the permission to do so. This is the same person that I have heard spoken of to-day.

Did he state why he was refused, and did he apply to you to do any thing?—I was applied to to take measures to ascertain whether he could force this right or not. I was afterwards applied to on notice being given that application was about to be made to Parliament for a renewal of the patent, to take such measures as would be the most proper means of stopping the renewal of the patent.

Was the refusal made by a large sum of money being demanded, or was it an absolute refusal?—He stated his case generally, and I can speak to it no more particularly.

Do you know the grounds on which it was refused?—I do not.

How long ago is this?—About six or seven months ago.

Have you been applied to lately on the subject?—Very lately.

By whom?—By the same Mr. M'Millan; he gave me a memorial on the subject.

Have you got that memorial with you?—No; I transmitted the memorial on public grounds to Mr. Hume.

To whom was the memorial addressed?—I think it was addressed to myself; I am pretty sure it was.

As you have attended a good deal to this matter, can you account for the want of increase in the demand for Morton's patent slips?—I certainly cannot account for it; I may have opinions with regard to the cause.

Be good enough to state your opinions?—The opinion I entertain is perhaps threefold. In the first place, I am perfectly aware that in the year 1818, when this patent right was granted to Mr. Morton, as I have already stated it here, that at that time there was a great redundancy of mercantile shipping, I am speaking of Scotland and the ports with which I am acquainted, and there is no other description of shipping there; there were as many building yards, dry docks and wet docks as there was occasion for, and a great many more ships; consequently there could not be expected to be that demand for this invention that might have been under other circumstances; besides which, the ship-builders of Greenock and Port Glasgow had accumulated considerable wealth, and had plenty of accommodation for all their trade; and I suppose they did not see it would be for their advantage to adopt this invention. In the next place it may be stated as my opinion, that immediately after the year 1818, the capital of all men, but chiefly of those who were possessed of small fortunes, or small savings which they had accumulated during the war, was very much affected, and very much reduced, as also locked up by the Parliamentary proceedings of the year 1819, in regard to the value of money, and which not only alarmed but greatly distressed all interests, but more particularly the smaller capitalists.

Are you aware of the sum that was formerly demanded for the price of a slip, or the license to use it?—I was not aware of the sums until I saw them stated in the prospectus of Mr. Morton, which is now here.

Is it your opinion, that persons would be prevented from using this slip by reason of the amount demanded; you are aware of the sums now?—I am aware that the prices travel upwards from 75*l.* to 200*l.* I think the smaller capitalists would certainly consider well with themselves whether they would lay out 75*l.* or any sum between that and 200*l.* upon this invention; and I am quite sure of this, understanding as I do the system of banking in Scotland, that any man with 100*l.* or 200*l.* would be much more likely to succeed in his profession as a ship-builder if he put his 100*l.* or 200*l.* into the banker's hands, than into Mr. Morton's, the patentee's hands; by one means, he would be enabled to have a considerable credit with his banker, who would not listen to his demand for credit merely on the score of having laid down a patent slip.

Do you think it would be useful if it had not been for the patent?—I certainly think it very highly useful even under the restraints of a patent, but for the reasons I have assigned of its requiring an additional sum to purchase it, it would be much more extensively used without one.

As connected with the shipping interest, have you observed any advertisements of

of late years, which have been the means of bringing this into general notice?—I have observed no advertisements. I have frequently made it a subject of inquiry in passing slips on the River Clyde, it was matter of astonishment to me, that so simple and beautiful an invention was not more generally resorted to; all sorts of reasons were given for this; such as, the difference in the state of the tide, the shape of the shore, and the state of the beach, and various other reasons, to show that the places which I thought suitable for placing these slips, were unfit for them. The matter was, however, much solved to my view, on finding that there was about to be an application for a renewal of the patent, being perfectly convinced from observation, and quite satisfied from the attention I have paid generally to any matters that I have once given my mind to of public import, as well as those which apply to my own interest, that there has not been any advertisement of late years put forth on the subject.

According to your impression, what do you think would be the effect of a renewed term of the patent on the ship-builder carrying on business on a large scale, or on the person just beginning business?—I think I have replied already to that question.

Is it your opinion, admiring as you do, the ingenuity of Mr. Morton's invention, and wishing him to be fully remunerated, that the public will be largely injured by the renewal of this patent, or not?—I think I have replied to that question already; the public will be put to disadvantage exactly to the amount they are obliged to pay for it.

Who is Mr. M'Millan, who made this application to you?—He is a ship-builder in Greenock.

Does he build large or small ships?—He is a beginner as a ship-builder.

Has he a dock of his own?—He has no dock.

Has he built any ships?—I believe his trade principally consists in vessels that do not come under the denomination of ships, he is a builder of steam boats and other craft, somewhat about the size of a small description of steam boat; not steam boats for the open sea, but small boats.

Did he state to you that he intended to use the slip if he could get it for the building of these small vessels?—He stated to me that he intended to use the slip for building the small vessels in his trade, and that he should be able, by having this slip, to construct these vessels, and repair these vessels, at a considerably less cost in his own building yard, than if he was forced to go to the public docks; that he should save the whole value of the transfer of wood, copper, iron and other materials necessary for repairs; and that he should be able to build cheaper in his building yard than if he was obliged to go to the docks.

Are not there a great many steam boats lately established, belonging to the ports of the Clyde?—A very great many.

Did Mr. M'Millan state to you the particular practicability or use as to steam boats, to which he should apply the slip if he got it?—He did not state that to me.

Did he state the grounds of the refusal to erect a slip?—He stated generally that they refused to allow him the right to lay down a patent slip.

Did he state the advantages that he should derive from having a patent slip?—He said that he should receive, as he conceived, very great advantages.

You have stated in a former answer, that you did not consider this to be a new invention, but that it was a mere adaptation of something old; would you explain that a little more fully?—What I meant to convey by that expression was this, that I understand it is an improvement upon a principle well known to be in practice on the coast of England, on the coast of Holland, and on the coast of the Adriatic, inasmuch as ships are drawn up there on rollers, by having smooth hard wood ways, and being drawn up by the force of men. In addition to this, it seems to me that Mr. Morton has applied the common use of railway principle, upon an inclined plane, in the same manner as it is applicable on a level; that he has applied the smooth surface of metallic rollers or wheels on metal rails, for getting up the weight, instead of wooden rollers as formerly; and in fact that it is the adaptation of these principles conjoined, that has enabled him to bring out this invention or contrivance, or whatever is the proper name to give to it.

May I ask you, are you aware whether ships are drawn up in Holland by means of a carriage placed under the vessel?—I understand they are not, and that that is the chief novelty of Mr. Morton's invention.

Is not that a new invention?—I do not know whether it is or not; it is a new application of carriages; I am not inclined to admit that it is a new invention.

*Robert Wallace,
Esq.*

10 April,
1832.

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Robert Wallace,
Esq.

10 April,
1832.

You admit that it is a new application?—As far as I know, and a very beautiful one it is.

And you consider it an improvement?—I speak very highly of it, and I speak with great reluctance as to any thing that may interfere with Mr. Morton's ample remuneration.

Has any trial taken place with regard to this patent?—I know nothing as to that, but from what I have read in Mr. Morton's prospectus.

You have stated your reasons why the patent slip was not adopted at Greenock and Port Glasgow in the year 1818, which you say was on account of the redundancy of ships at that time, can you state whether there would be any greater demand for the use of the patent slip at present?—Certainly, that redundancy has ceased.

In what manner are ships requiring repair at Greenock and Port Glasgow repaired at present?—They are repaired in the dry docks.

What is the number of dry docks at these ports?—There are three dry docks at Greenock.

Does it frequently happen that vessels requiring repair are detained a long period at these ports, waiting for an opportunity to be taken into these dry docks?—That they are detained I know, but how long they are detained, or how frequently, I cannot speak to.

What is the charge which is made by the proprietors of these dry docks for the use of them?—I do not know the charge; they are all under regulations; I have it not in my memory.

You have stated in a former answer, that if these slips were employed in Greenock, they would be the means of rendering the repairing of ships cheaper; on what grounds do you give that opinion?—Because it is a much more simple, and evidently a much cheaper operation, as I think; and I am confirmed in this opinion by the increase of their use at Glasgow and at Dumbarton, which are the only two places immediately under my eye. I am quite confident there is an increasing demand for their use.

Can you state whether there are any dry docks at Glasgow?—There are not.

Are there any dry docks at Dumbarton?—There are not, I believe not, I think not.

I wish to know how it would be cheaper to repair vessels at Greenock, where there are dry docks in existence, than it would be to repair vessels on this slip?—I have already replied to that, and I will repeat what I stated; of course it will be a great deal cheaper to repair any thing close to where you have the materials lying, than to carry those materials, and of such a heavy nature as iron, oak, copper, &c., besides the waste of men's time, to a place perhaps a quarter of a mile distant, as is the case occasionally in Greenock, it will be cheaper to do that in the centre of the building yard, and in the midst of the materials and the workshops of the various mechanics employed.

Is there no accommodation where the dry docks are, for depositing materials for repairing these vessels?—Quite the contrary; there is a great waste by means of little pilferings, and watching to prevent this, it being close by the open street that the public docks are; there is a private dock in the town, which is said to have been a source of great emolument to the proprietor, as it ought to be, and which has a very great advantage, there being no thieving or pilfering there, and the materials and workshops surrounding it.

According to your notion, could not a person establish a ship-builder's plant with a much smaller capital, by means of this slip, than if they were compelled to construct docks?—The statement of Mr. M'Millan corresponds with my own impression on the subject, when he said, that small beginners with a small capital could come into competition with the larger capitalists by means of this slip, which they cannot do without it.

Are you aware of what is the value of the docks now established in Greenock, of which you have spoken; what is the capital invested?—No, I am not.

Can you state what is about the tonnage of the vessels that Mr. M'Millan constructs, and for the repair of which he would require a patent slip?—I cannot speak to that; Mr. M'Millan is merely a beginner. As I understood him, he stated his case to me on this principle, that if he could get the advantage of this slip, that with his activity and capital, he should be able to make some sort of competition with the larger capitalists, and that if it were denied to him, it would be a means of preventing him carrying on his trade so advantageously as he might do.

Did

Did he state to you that the additional sum that he would be charged for a license, over and above the prime cost of the slip, was so great as to preclude the possibility of his obtaining it?—He did not enter into pecuniary matters at all; he stated that he was willing to pay a sum to be allowed to exercise the right, which he said he was refused.

Did he state to you, whether he had made any specific offer to the patentee?—I am quite sure he did not state any specific offer.

Have any new docks been constructed at Greenock since the period when Messrs. Carsewell purchased of Mr. Morton the right to put up this slip?—I think the largest has been constructed, at any rate finished, since then.

Who does that belong to?—To the public; I believe it is in joint stock shares.

Can they use the dry docks during neap tides?—Yes, they can use the dry docks, some of them, at all tides.

Do you consider that this invention will be a very great saving to the shipping interest of the country, as far as regards the repair of ships?—I consider that it will be so, provided it is made generally known; I am inclined to believe that it is very little known.

Do you consider that a sum of 5,000*l.* is a large remuneration to the person who invented this?—That is a subject on which I cannot speak. I should wish very much to be excused from a reply. I have every desire that Mr. Morton should be fully remunerated. I cannot form an opinion upon that, but if I am desired, I will speak to it as well as I can.

You have stated, that you consider that if the patent is renewed, it would operate as a bar to prevent the erection of slips?—I only mean to say that inasmuch as it will require more capital to go on in that way, I have no doubt that when the information is sent forth to the country, as I suppose and anxiously hope it will in consequence of this investigation, that there will be a large demand for these slips.

Do you conceive that if there was a fixed scale per ton for granting licenses at a reduced scale, that it would be the means of preventing the small capitalist from purchasing the license for the slip?—No, it would facilitate it; the lower it is made the more it would facilitate it.

What would you say would be a moderate price at which to fix the scale, so as not to prevent the erection of slips?—I imagine they will be erected whether that point is conceded or not; I am convinced they are of such consequence that they will be erected, but it would affect the small capitalist.

You do not think that the difference of 15 per cent. in the price of the slip will preclude the possibility of its being set up?—I am quite confident it will not preclude it, but I am equally confident it will have its effect exactly in proportion to the amount charged and the inconvenience created.

Suppose a ship of 300 tons required to be taken into a dock at Greenock, and that it was requisite she should stop a long period, what would be charged for her staying there?—I cannot reply to that question.

Can you tell us, whether Messrs. Carsewell have or have not become joint proprietors of the dock which has been constructed since they have had a share in this patent right?—I do not know.

Do you know whether any vessels have been sent from Greenock or Port Glasgow to Dumbarton, where there is a slip, to be repaired, in preference to going into the docks at these places?—I do not know.

Are you aware of the amount of outlay that must be incurred, provided a person obtains a license to use these slips of Mr. Morton's, in order to apply that to ships of 500 tons?—I could not speak to that.

Would it require more outlay in the construction of works to accommodate them to this slip than to the ordinary methods adopted in other parts of England, or in other parts of the world to haul up ships?—I should think a very mere trifle, for the whole of the materials are so cheap; it is the putting of them together, and not the value, that would affect the whole machine.

Who does the private dock belong to that you have spoken of?—To Mr. Scott.

Are you aware whether Messrs. Carsewell have any property in the dry dock there?—I do not know whether they have or have not.

You addressed a letter to one of the Members of the Committee some time ago, directing his attention to the question of the renewal of the patent; did you write to any other Members of Parliament, and will you state the reasons why you did so?—I addressed myself to four or five gentlemen, Members of Parliament, and had it not been for the accidental circumstance of my coming to London, which was

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10 April,
1839.

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quite unexpected, I should have addressed a considerable number more. The reason why I did so, was with a view of drawing their attention to the renewal of this patent, on the principle that in my opinion it would be a public evil if it should be renewed, and as servants of the public, I considered I was entitled to approach them in the way in which I did. I wrote to the Member for the County, Sir Michael Shaw Stewart, and to two or three gentlemen with whom I have not the honour of being acquainted, and who may, perhaps, be here. Mr. Ross, Member of Parliament for Aberdeen; to Mr. Gillon, Member for the Selkirk District of Burghs; and to Mr. Dixon, Member of Parliament for Glasgow. I had previously written to Mr. Hume, inclosing the Memorial which I have before alluded to; one of my reasons for doing so was, because I thought that the individual who entrusted it to me, must have some reason why he preferred that I should assist him, to that of going to the magistrates of the town in which he lives, whom we all know to be liberal in their views and enlightened in their understandings, but who hold an interest for the town in a dry dock, and which may be supposed to have had some effect on this person, as being against the view he had of establishing another system of drawing up ships. I remember I wrote to Mr. Hume, begging of him not in any way to act in it so as to injure Mr. Morton, for whom, and for his invention I entertained the highest respect, except there was any thing like stealing a march, or any thing of that sort; but to do every thing necessary to stay the proceedings until a general inquiry could be made into it. As soon as I came to London, and understood that the matter was to come before a Select Committee, I said to Sir M. S. Stewart, my end was entirely obtained, for that in addressing myself to those Members of Parliament to whom I had written, I had done so on public principles, and to public men.

You addressed yourself to these gentlemen, as being guardians of the shipping interest of the country?—Certainly I did.

Was there any public meeting at Greenock on the subject of the renewal of this patent?—I rather think there was not; I am certain there was not. The magistrate informed me, that he had not called a general public meeting on account of the disease, the cholera, that was then prevalent in the town.

James Haslitt, Esq. called in; and Examined.

*James Haslitt,
Esq.*

HOW long were you in His Majesty's artizan department?—For a period of two-and-twenty years.

By what means were ships hauled up on slips before the introduction of Mr. Morton's patent?—There was a simple slip way; there were ways left at a certain distance on a slip, sufficiently strong to bear the weight of the ship. Then there was a cradle corresponding with the way, and the cradle was put under the ship, as in the instances of Portsmouth and Plymouth. In the instance which had occurred at Portsmouth, it was a frigate on which it was employed. We took one tide to place the cradle under the frigate, and it took two days and 700 men to raise the frigate on the old system, consequently, as a practical man, I must be permitted to say, that the public are much indebted to Mr. Morton for his introduction of the rollers.

What are the properties or advantages arising from the introduction of Mr. Morton's rollers?—The ease with which you can get the ship up, in preference to the common inclined plane, without any assistance.

Are Mr. Morton's rollers subject to casualty in their operation?—Undoubtedly, because they act on axles.

Have you known of any?—To my own knowledge I have not; but undoubtedly, if you increase the power or the pressure, you must either increase the size of the axis, and that will reduce the speed, and if you increase the axis, then the thing becomes neutralized or negatived.

Are you aware that Captain Brown has got a patent for a slip for drawing up ships?—Yes.

State what is the principle on which Captain Brown's patent is founded?—Captain Brown's principle is this; instead of going on an axis, it goes on its own circumference. If the Committee will allow me, I will refer to an instance by which it can be exemplified. When the immense piece of granite which I saw at St. Petersburgh, was removed to the present place where it now stands, on which the statue of Peter the Great is placed, the Russians used that for the purpose of removing it; and there was no other power whatever that could be applied for its removal.

removal. Captain Brown's principle is precisely the same. It is a small circle acting on a larger, that no power on earth can crush. I would use it in raising a first rate where the sum of displacement is between 4 and 5,000 tons; it cannot be crushed.

Have you made any experiment as to its comparative powers with Mr. Morton's invention; suppose a vessel to be drawn up by Mr. Morton's slip, by what power, according to Captain Brown's plan, can you draw the same weight?—The propelling force is, as near as I can speak, about half. If I required 29 pounds to raise Mr. Morton's axle roller on an inclined plane of one inch to the foot, I should only require 16 pounds to raise Captain Brown's rotatory roller on an inclined plane of one inch to a foot.

State to the Committee whether any experiments have been made, and what has been the result of those experiments as regards power?—Mr. Morton's roller being an axle roller, I tried it at the Isle of Dogs, at Captain Brown's establishment, on a carriage, and I found that when the roller acted on its axis on an inclined plane of one inch to a foot, it required 29 pounds to raise the carriage, weighing 1 cwt. 3 quarters and 12 pounds. I immediately took the roller out of its axis, and I placed the roller according to Captain Brown's plan, and the roller acted on its circumference, not on an axle. I then tried the propelling force required to draw it up the inclined plane, and it only took 16 pounds; evidently showing that the roller requires less force in its circular action than when going on an axle. The other immense advantage is, that you can raise men of war of any weight on the roller, and there is no possibility of crushing it; there cannot be any casualty.

Did you try any experiments on the different inclined planes?—I did.

Will you state the different degrees of inclination according to the experiments you made?—(*The Witness handed in a statement to that effect.*)

Have you ever seen the specification of Mr. Morton's patent?—I have not.

You do not know whether Mr. Morton took out his patent for a roller as well as for truck wheels?—I do not.

If Mr. Morton, in his specification, had mentioned the drawing up vessels on a cradle, moved on a roller, would that not have been identical with the one you have just described?—I apprehend not.

In what respect would it be different?—The action of the roller is decidedly different.

The one you have described is on a spherical roller?—Exactly so.

If rollers generally were mentioned in the specification, would there be any objection to any person, under Mr. Morton's patent, using a spherical roller?—The axle roller is subject to accident.

In what manner do they differ?—When the roller goes on an axis, if you increase the power, you increase the friction and reduce the speed; that is one objection; again, you are liable to casualty by the axle being pressed; you could not raise a man-of-war by the axle roller.

Do you mean a truck wheel?—Yes.

If in Mr. Morton's patent he is allowed to employ truck wheels and rollers of any kind, what advantage would that be over the plan you have now described, to Mr. Morton's plan, the carriage being on a roller, not an axis roller?—The advantage would be in speed, evidently.

The question as to the word "roller" being used generally in Mr. Morton's patent, what is there to prevent his making use of the very rollers you are now speaking of?—I apprehend the motion of the roller must be specified, whether it be on an axle or spherical; that is the essential difference of the two.

Can you state the relative proportion of surface on both these wheels which were exposed to friction at the same time?—The surface was the same, but there was no friction.

What do you mean by the surface being the same, when one was moving on a circuit, the other on an axis?—I stated that I took the roller out of its axis, and placed a piece of wood so as to fix the roller, and I took the same roller on Mr. Morton's principle, out of its axis. I turned the carriage up, and the same carriage operated on the roller in the spherical movement; that is how I ascertained the force.

If you were to place a sphere of any kind on a plain surface, do you not reduce
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*James Haslitt,
Esq.*

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James Haslitt,
Esq.

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the friction to almost nothing ; for instance, if a wheel were in a triangular form, and the point of it merely to touch the plane, it would have the same effect as a sphere, would it not ?—I apprehend not, because there is the axis of movement.

In what do you conceive to be the great advantage of Mr. Morton's patent ; is it in the roller, or in the machinery which is to be applied over the whole, or in what does it consist ?—Unquestionably it is immense.

And what is the chief advantage ?—There was nothing to remove the pressure.

In what do you conceive the great advantage of Mr. Morton's plan consists ?—It facilitates the movement ; if you place a weight on a common sledge, or on four wheels, it will have that effect.

Is it the placing the draught, not to the ship itself, but to what draws it, and then placing the roller on a railway, and then the complicated machinery, on which of these principles do you conceive that Mr. Morton's improvement over the former plan consists ?—I cannot explain it more than by saying, that in the dock yards they formerly used sledges on which they placed 4 or 5 cwt. and which required four horses to draw it ; if you place the same weight on four wheels, one horse would draw it.

It is therefore on the roller ?—Unquestionably.

By the former mode were the tackles applied to the vessel, or to the cradle on which the vessel was placed ?—To the cradle, unquestionably.

Supposing that according to Mr. Morton's plan, a vessel of 500 tons can be drawn up to be repaired for 3 l., as was stated yesterday, what would be the expense of drawing up, on a similar footing, the same vessel by Captain Brown's plan ?—I am not prepared to answer that question.

Is there any power in Captain Brown's plan of moving a ship from the direct line in which she is drawn up out of the way, to admit of one, two or more vessels to be drawn up on the same slip ?—Captain Brown has a lateral motion by which, after he has raised a vessel to a certain point, he will bring a ship up ; there is a lateral motion by which he may bring up six men of war.

Can that be done by Mr. Morton's patent as far as you know ?—I do not know to what extent Mr. Morton's patent will go, or what power it has.

Is the lateral movement attended with any greater force ; does it require any greater power than the power for elevation ?—Less.

How much less, and why ?—When a ship of 1,400 tons is raised up to the ways prepared for the lateral motion, the power required to draw up the inclined plane of one inch to a foot, was 30 ; the force required to remove her on the lateral ways would be only 13.

What would be the expense ; have you any idea ; have you made any estimate of what would be the expense of a slip on Captain Brown's plan, as compared with the expense of Mr. Morton's ?—I cannot speak as to the comparative expense. Captain Brown states, that to erect a slip and make the cradle, and fix the rollers, would cost 400 l. for a 1,400 ton ship.

Do you mean to say that the whole expense of the way, with the slip necessary to haul up a 1,400 ton ship, would only be 400 l. ?—So the Captain states in his specification.

Have you made any calculation as to the comparative merits ?—I have not.

Will you be able to do it ?—It would require time.

Has this invention of Captain Brown's been carried into execution any where ?—There is a model.

Has it been carried into execution any where ?—No where.

When was the patent taken out ?—This time 12 months.

Why has it not been tried ; has there been no application about it ?—I believe it has entirely rested with Captain Brown.

When you say that it would only cost 400 l., do you mean the whole slip and every thing ; supposing the ground ready, and every thing else for repairing her, could that be done for 400 l., for her to stand in her position ?—Not having gone into the estimate, I cannot speak to that point.

Have you made any experiment, by a model and plan, of the power which you have now stated ?—Yes, I have.

Is that model now in London ?—The model is at Brown & Lennox's, Millwall.

Do you mean to say that the cradle that is in the model in Mr. Morton's machine is not a new invention ?—I have not said that it is not a new invention.

You were asked, and you said that you did not consider it as a new invention, but

but only an improvement on an old invention?—I beg pardon, I could not have said so, for I never saw Mr. Morton's slip, nor his rollers.

Have you ever seen one of Morton's slips?—I have not.

Will the spheres not move in sockets?—No; the spheres will move in common ways, the same ways as you launch a ship in.

Will there be hard surfaces without a socket for these spheres?—They are well attended to; there is a central way that keeps the ship in her position, a mere roller; the rollers are joined or kept in their places by a continuous chain, that is made similar to a chain by which you try chain cables, and cannot break; the two rollers are connected by a bar; there is a plate which embraces the bar, and thus the chain is connected; the rollers are at a distance of eight or ten feet.

Does the bar pass through the centre of the rollers?—The bar passes through the centre of the rollers.

Does not that act itself as an axis?—It cannot.

I ask you whether, supposing the expense of drawing up a ship of 500 tons, by Mr. Morton's plan, cost for the labour 3*l.*, whether, if your estimate be correct, that Captain Brown's plan admits of the drawing up a ship with the application of less force, whether the expense of drawing up a ship of the same tonnage must not be less than 3*l.*, the whole charge for Mr. Morton's?—On the principle that the propelling force is less; for instance, if Mr. Morton's principle requires 100 men to raise it, on Captain Brown's principle 50 men would raise it.

Is that entirely owing to diminution of friction by the roller?—By the diminution of friction; that is the novelty of the principle.

John Farey, Esq. called in; and Examined.

DID you draw the specifications for the patents for Mr. Morton and for Captain Brown?—Yes; for Mr. Morton in 1818, and for Captain Brown in 1831.

Have the goodness to state to the Committee what is the difference between the two plans?—I do not consider those two inventors to have had a common object in view. Mr. Morton's slip is for drawing up ships out of the water to repair them, as a substitute for dry docks; Captain Brown conceived a very extensive project for conveying ships over land upon horizontal stone railways; he called it a ship railway. It was necessary, in order to transfer the ships from the water to these level railways (which he intended to lay across the country) to use inclined planes, up which the ships could be drawn; and inasmuch as the ships were to be drawn up inclined planes, that portion of Captain Brown's plan resembled Mr. Morton's, who had no farther object than to haul up ships for repairing or laying up. The mere fact of hauling up ships out of the water on the dry land is not Mr. Morton's invention, but his improved mode of doing it, beyond the previous modes, is his merit.

The plan of hauling ships up inclined planes, which had been used on some very rare occasions before Mr. Morton's slip was invented, was precisely the reverse of launching a new built ship into the water, *viz.* two long inclined fixed ways of timber were laid temporarily on the ground beneath the vessel, on each side of her keel, just like the ways which are prepared for launching a new ship; and in like manner a timber cradle was applied to the bottom of the vessel, fitted as nearly as they could be to the curvatures of the bottom, and resting on the fixed inclined ways. This preparation being made, the ship and cradle was hauled up by purchase tackles, which were passed round the stern of the ship, and around the cradle, so as to get a secure hold of both. This method was so troublesome, laborious, expensive and uncertain, that it never was or could be used, except as an expedient to repair a stranded ship, which could not be removed into a dry dock.

Mr. Morton's mechanical slip was, in my opinion, quite a new invention at the time he took out his patent in 1818. The great feature of novelty and merit in his invention consisted in getting a complete wheel carriage underneath the bottom of the vessel, which wheel carriage has one long straight middle beam, extending beneath all the length of her keel, with blocks fitted upon it for the vessel's keel to rest upon, precisely in the same manner as the weight of a ship is supported while building. The cradle, which had been occasionally used before, was not one carriage, but two distinct parts, each part resting on one of the fixed temporary inclined ways, the two parts being fitted beneath the opposite sides of the vessel's bottom, without any connection between the two parts of the cradle, or offering any support beneath the vessel's keel. It was quite a chance how the two parts of the cradle would fit to

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10 April,
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1832.

the bottom of the vessel, to sustain it, without occasioning unequal bearings, and twisting or straining the vessel out of shape. As all vessels are quite straight at the underside of the keel, or else have some known curvature thereof, it is easy to dress the blocks, which are placed on the middle beam of Morton's carriage, to a straight line (or to the known curvature of the keel) before the ship is taken up; and owing to the structure of the slip, it is certain that there will be no deviation in the form of the carriage, when the weight of the ship comes upon it, because the carriage is borne in such a substantial manner, upon solid railways of cast iron, founded upon timber and piles, or upon stone-work, the bearing of the carriage being by means of numerous wheels or trucks of cast iron, which are adapted to run upon those cast-iron railways, whence it is quite certain that the carriage will not alter its figure by the weight of the ship. There were other accessory contrivances of concurrent importance to the complete performance of the object, such as cross bearers to the carriage, with blocks sliding along them athwartship, to be jambed in beneath the curved bottom, for the purpose of keeping the vessel in an upright position, but without bearing any material portion of weight on those blocks, for they are not jambed into their places until after the vessel has settled down to rest on her keel, the great weight being thrown on the middle railway, by the keel resting on the beforementioned blocks along the middle beam of the carriage, which are similar to the blocks on which a vessel is built; also a very complete and convenient purchase tackle, of adequate strength and power for drawing up the wheel carriage and ship on the inclined plane by men working at a capstan or at winches, with cog wheels, and a strong chain, the chain being attached to the carriage, and not exerting any pull on the ship; also strong palls to catch into a cast-iron rack of serrated teeth, which is formed between the railways on which the wheels of the middle beam of the carriage run, which palls retain the carriage and ship from running down the inclined plane, although the palls offer no obstruction to the ascent of the carriage when it is drawn up the inclined plane. No such palls were or could be used to secure the cradle, in the former mode, from sliding down the ways; but if the tackle broke during the operation, the ship must have slipped back into the water, which can never happen in Morton's.

Do you consider that Mr. Morton's was an original invention, and did you deem it a great improvement on the old plan, wherein no ways or cradle was used?—I considered it an original invention at the time, and my attention has been frequently called to it in the last 14 years, during which time I have seen no reason to alter my opinion. The old mode of hauling up a vessel without ways or cradle, is only proper for fishing-boats; it would be destructive to treat a vessel of any size in that barbarous manner; and it is in fact impracticable, except for small vessels.

I ask you whether, if instead of this new invention of Captain Brown's, to which you have alluded, being for transporting ships over land, it had been confined to merely getting them out of the water, would you have considered his mode of doing that as an improvement on the plan of Mr. Morton?—That question involves the consideration of the details of the two plans for drawing ships up inclined planes out of the water; and I am not aware of all the details of that portion of Captain Brown's plan, because at the time I made his specification he had not made any machinery; whereas, Mr. Morton has constructed many large machines with which I am well acquainted; hence, in answering the question, I should be drawing a comparison between a project which, as far as it is known to me, is not fully made out in all its details, and a reality which is in constant use.

Since the plan of Captain Brown has been brought to perfection, and his model completed, have you seen it?—No, I have not seen any model of Captain Brown's at all.

But cannot you judge from the specification?—Yes; I can judge from the specification, because I wrote it and made the drawings belonging to it; but I shall be under the necessity of comparing a project with a reality, and with that premise I will give my opinion. The great improvements that Captain Brown expected to make was by applying loose rollers for the carriage to roll over when it ascends the inclined plane in place of wheels turning on axles or pivots, which Mr. Morton uses. To support the carriage, the specification of Mr. Morton's patent of 1818 mentions rollers as well as wheels; and he made a set of rollers for his first slip in 1818 in lieu of wheels, but could not, on trial, make them answer with certainty and safety, and therefore has kept to the wheels ever since. I think he is right. Rollers without axles will certainly diminish the friction of rolling bodies over them; and it has

has been proposed, at various periods, to apply rollers in place of wheels to carriages generally, and many very expensive attempts have been made to achieve it, in a variety of ways, but they have been almost uniformly abortive attempts. I have scarcely ever known the application of rollers to succeed in lieu of wheels for bearing great weights. The great reason is, that loose rollers without axles require two hard surfaces, one above them as well as one beneath them. It is not enough to have a hard and straight road, but there must also be a hard and straight bottom to the carriage. Another difficulty is, that a new supply of rollers is always wanted to be put before the carriage as it advances, and other rollers come out from behind the carriage; hence there must be some means of transporting the rollers which are left behind the after part of the carriage, to the fore part, or else there must be a great surplus of rollers provided to furnish all parts of the road with them. Another difficulty is to keep the rollers in their places on the road-way, and to keep the carriage straight on the road-way, which is a most essential condition for hauling up a ship. The rollers should be loose and unconfined beneath the carriage and on the road-way, for if they are confined by axles or guides, a great part of their advantage in the diminution of friction will be lost; and if the rollers are laid loose on the road-way, they are always getting together in clusters, and getting awry, so as to fail where they are wanted to support the carriage. We see every day that this plan of loose rollers answers very well for the casual transportation of heavy stones and masses of iron for very short distances where men are constantly on the watch to keep the rollers straight and equidistant beneath the weight, and to apply fresh rollers in front when requisite; but for any machinery that is intended to perform an expeditious operation, and to move through considerable distances, such rollers (as far as my experience has gone) have invariably been found very inferior to wheels on axles, except where the moving carriage is required to turn round in circles like a windmill head, or a turning bridge, or a crane, because as the rollers then go round over and over the same road, they do not require fresh rollers to be shifted from the hinder part of the carriage, to before it. According to any plan which I can conceive of applying rollers in lieu of wheels, with axles, to the carriage of Morton's slip, they would, in my opinion, certainly be inferior to the wheels which Mr. Morton uses, for the rollers would be under water and could not be watched, and would be most exceedingly liable to get out of place, and bear the carriage unequally, and serious accidents might happen to a ship before it was known that a bearing roller had shifted out of its proper place.

My question was, supposing Captain Brown's plan to succeed, and his invention to have been confined to getting the vessel out of the water, would it not be rather an improvement on Mr. Morton's plan than an original invention?—Captain Brown's can only be an improvement on Mr. Morton's in any case; but Mr. Morton contemplated the use of rollers in 1818, and tried them just as Captain Brown proposed to do in 1832.

Are you impressed with the conviction that Captain Brown has no means of keeping the rollers at fixed distances under the carriage, and that there is not a continuation of rollers at some distance; what do you mean by rollers being loose?—Yes; Captain Brown proposed to connect the pivots or axles of the rollers one to another by links like a chain, or like the steps of a ladder, and that was what Mr. Morton tried; but when the rollers are effectually confined, from getting out of place by such means, the friction arising from such means of confinement, will take away a great part of the advantage which appears to result from comparative experiment of their friction, against the friction of wheels which move on axles or pivots. The confinement of the rollers, if effectual, causes the friction to approach very much to the friction of well made common wheels with axles or pivots. When the latter are fairly tried, that is, when the pivots are well made, of good hard materials, polished, well greased, and tried when they are set in motion; not the friction of beginning to move, for the friction of axles or pivots is far greater at first starting from rest, than the friction of continuing motion, when it is once commenced. All small experiments, such as have been stated to the Committee, are most deceptive, and when such plans are reduced to practice on a large scale, very different results are found. If you observe a lot of workmen, when transporting a heavy block of stone on loose rollers, you will see that they are obliged to watch and keep the rollers straight and equidistant, by applying their crowbars frequently. If machinery is applied to confine these rollers in their places, a great portion of the advantage which appears to arise from the experiments on unconfined rollers will be found wanting.

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John Farey,
Esq.

10 April,
1832.

If any mode could be adopted of keeping the rollers in their places, would there be any pressure whatever on those connecting links which keep them in place, and would not such a mode avoid the inconvenience that you think would arise from the rollers being confined?—I have never seen it done in such a way as would be applicable to Morton's ship, to keep rollers in place, without occasioning almost as much friction as that of wheels with axles or pivots.

Suppose a loose ring to keep the rollers in their place, having no weight at all on it, I wish to know whether you contemplate any means of keeping the rollers at proper distances without any weight on that which keeps them so?—Certainly, I contemplate no weight on the axles of the rollers or on the links which keep those axles at equidistances, in speaking of Captain Brown's plan.

Will the weight of the incumbent pressure have any effect on the movement of the rollers?—Yes, a very great effect in real practice with heavy weights, but scarcely any in small experiments; hence one of the fallacies of judging by such experiments.

In what way?—The casual unevenness, crookedness and flexure of the road or railway over which the rollers roll, and the same of the surface, which must rest upon the rollers, that is the surface of the under side of the carriage. It is obvious that all inequalities in the road over which any wheel is to travel, will tend to divert that wheel from its straight forward path, and to deflect it into all sorts of oblique directions. Rollers are in the same way deranged in their positions and advancing motions by all defects in the road over which they roll, and also by like defects in the under surface of the carriage, which surface rests on the rollers. The adaptation of rollers doubles the difficulty of making a good road, which is always a greater task than that of making good wheels to run upon it. The inevitable defects and flexures in the road, and in the surface which rests on the rollers, will always induce the rollers, and the carriage which rests upon them, to go first one way and then another, instead of going straight forward, and that tendency to lateral deflection must be restrained from doing mischief by some means; and those means must be so strong and powerful, in order to resist the surges and inclination of a ship to get out of the line, when moving on rollers, that the friction will be very considerable in the whole.

Suppose a way for the rollers to go on, as well as a way for the wheels to go on; in that case what would the difference be?—You must have two sets of ways for the use of the rollers; one a moveable surface above them, the other a fixed road below them, the same as for the wheels, but for the wheels only a fixed road below them is required. Cast-iron surfaces are indispensable for either rollers or wheels, in order to give the hardness and smoothness necessary to get either the wheels or rollers to go easily over the surfaces when loaded with great weights. Captain Brown proposed to use stone for his level ship railway, but I do not think it would answer for the inclined ways. The weight of Morton's carriage would be very much increased by the strong cast-iron bottom, which it must have, if rollers were used in lieu of wheels; and that weight would increase the labour of drawing up, nearly as much, I think, as any diminution of friction which could result from the use of rollers in lieu of wheels.

Must there not be two ways for the wheels?—Yes; four or more parallel railways side by side, for the various sets of wheels on which the carriage is borne, but I mean that when wheels are used all the ways are fixed railways on the foundation, and those are for the wheels to run upon. The pivots at the ends of the axles of the wheels, bear the middle beam of the carriage whereon the blocks are placed to receive the keel of the ship; and those wheels are disposed beneath each of the blocks, where it is certain that the pressure of the weight of the ship must fall; but in the intervals between the blocks, where the middle beam of the carriage requires no support, there are no wheels beneath the beam of the carriage; hence the plan of wheels ensures an adequate support to the carriage precisely at the places where it is required. If rollers are used, then the under surface of the carriage must be cast-iron, to bear on the rollers, and that cast-iron must be made quite as strong and as firm from flexure as the iron railways on the foundation, which would be very difficult to effect, because the rollers are not constantly remaining as props beneath the several blocks, where the weight of the ship must be borne (as the wheels do), but in their progress, the rollers must bear under those parts of the carriage which is in the intervals between the blocks, and where no weight is required to be borne; hence rollers are not certain (like the wheels) to support the carriage at the right places. My first answers, when I stated that Captain Brown's patent

patent was very different from Mr. Morton's patent, applied to the purpose of Captain Brown's invention as compared with the purpose of Mr. Morton's invention. I have since been asked questions which have led me into details, relative to the propriety of using rollers to roll beneath a hard surface, and the propriety of using wheels turning on axles or pivots; but in respect to invention, both rollers and wheels are well known, and Mr. Morton contemplated both in his invention, and made trial of rollers, until he found the preference to be due to wheels.

*John Farcy,
Esq.*

10 April,
1832.

Your impression is, that Captain Brown's patent was an invention for removing ships over land with facility, and the application of inclined planes and carriages for drawing them out of the water, was an adaptation of Mr. Morton's slip to a new purpose?—That is my impression; if it is not correct, I will inform the Committee when I have re-perused the papers. There were many accessory contrivances in Captain Brown's project, which were necessary to be added to Morton's slip, in order to transport the ship along a level railway, when it had been drawn out of the water, up an inclined plane, Captain Brown's plan for that, was to make the upper portion of the inclined plane, a moveable carriage, bearing rollers on the commencement of the horizontal plane, where it joined to the horizontal plane. In fact, when the ship had reached the top of the inclined plane, it would rest on two carriages, one upon the other; and those two carriages were to go with the ship whilst it was travelling across the country on the horizontal railway. There was another point in Captain Brown's plan, which bore more completely on the similarity to Mr. Morton's, because the purpose was similar, but extended farther, viz. for laying up ships in ordinary after repairing them. It was the addition of a transverse horizontal way across the upper end of the inclined plane, in the manner of the top part of the letter T, in order to carry a ship, sideways, out of the line of the inclined plane, to make room for others thereon; so that one drawing up machinery and inclined plane, would serve for a large establishment, for repairing and laying up many ships in ordinary, in a row, on the horizontal railway, which extends across the upper end of the inclined plane. Mr. Morton's might be used in that way, if it was advisable to do so, for a large dock-yard. I have been told, that one of Morton's slips, which has been made at Pittsburgh, is provided with such an addition to it, for laying up steam boats and lighters in the winter.

As you are well acquainted with the subject of patents, perhaps you can answer this. Captain Brown's patent being taken out now, and if, as you say, Mr. Morton could use such a cross railway with his patent slip, would that, in your opinion, be an infringement of Captain Brown's patent?—I should think it would, for it would be an improvement on all that Mr. Morton had done, and something which he did not contemplate in his invention; and if it is a new and useful addition, the inventor, Captain Brown, would have the right to it.

The patent does not bind Mr. Morton down to the plane being taken in a direct line, it might be curved at the top?—Certainly, he might do that; but my opinion that he would be infringing on Captain Brown's patent, is in reference to the difficulty of performing such a lateral transfer of ships from Morton's slip, as well as the advantage of doing so. If it requires new contrivance and machinery for the purpose of carrying Captain Brown's addition to Morton's plan into execution, then Captain Brown would have a right to the benefit of what he invented, in addition to his predecessor; but if it only required some management of the same machinery which Morton invented to transfer the ships laterally, after having drawn them up thereby, then any person would have a right to carry it into execution, if they were able to do so, in spite of any patent; patents can only be maintained for new inventions, not mere self-evident alterations.

Did any question arise as to the infringement of any former patent at the time that Captain Brown's patent was taken out?—No; Mr. Morton's patent was infringed in Scotland, and he brought an action in 1824; his patent was found to be good in law, and he obtained a verdict; but Captain Brown has not yet done any thing under his patent, and therefore no question of infringement could arise.

Mr. Charles Morton again called in; and delivered in the following Schedules of Documents, which were read.

Extract Specification (Scotch Patent) by Thomas Morton, of his Invention of a method of dragging ships out of water on dry land, dated 17th December 1818.

Mr.
Charles Morton.

Specification (English Patent) by the said Thomas Morton of the said method, dated 29th April 1819.

36 MINUTES OF EVIDENCE BEFORE SELECT COMMITTEE, &c.

Mr.
Charles Morton.

10 April,
1832.

Agreement, dated 11th May 1825, between Thomas Morton and William Haze for the exclusive right of laying down, selling, &c. slips for dragging ships out of water on dry land in the County of Norfolk (except the Ports of Lynn and Yarmouth) for the remainder of Patentee's term in the Patent.

Agreement, dated 26th October 1825, of Mr. Morton with Messrs. Laird, Hetherington & Addison, for Sale of Patent Right within the Town and Port of Liverpool.

Agreement, dated 18th March 1826, Mr. Morton with Mr. Philip Laing for Sale of Patent Right within the Port of Newcastle-upon-Tyne and the Port of the Wear, and on the Shores of the Rivers Tyne and Wear.

Jovis, 12° die Aprilis, 1832.

Mr. *Thomas Morton* again called in ; and further Examined.

Mr.
Thomas Morton,

12 April,
1832.

HAVE you any doubt that you could fit one of your slips to haul up a line-of-battle ship, or a frigate ?—I have no doubt whatever.

Are you acquainted with the ground at Woolwich Dock-yard ?—I am.

Do you think that one of your slips might easily be fitted there ?—I do.

Are you acquainted with the slips that are there for building ?—I am.

Could your patent slips be added to them, so as to haul up ships upon them ?—I think they could.

Are you sufficiently acquainted with the depth of water there to enable you to say how far your slip must be in the water at high water ?—Not beyond the present low water mark, I believe.

When your slip is not at work, how high must the part which is left in the water be above the ground ?—There is nothing necessary to remain constantly in the water but the laying ways, and they may be level with the ground.

What do you conceive the best inclination for the operation of your slip ?—For a large ship one in seventeen.

Can you tell how the inclination of the beach lays at Woolwich ?—Nearly one in sixteen.

If the slip which is already built at Woolwich is of a different inclination from that which is stated, would there be any inconvenience in your slip for bringing the vessel out of the water, being at a small difference of inclination from that upon which the vessel is to lay ?—I apprehend not.

What do you apprehend would be the expense of fitting one of your slips of a size sufficient for hauling up a line-of-battle ship, or a frigate ?—For a frigate, exclusive of the expense of foundation, and laying down the slip, about 5,000*l.* ; and for a line-of-battle ship, on the same footing, about 9,000*l.*

It was stated to this Committee that one of your slips failed at Montrose ; do you know what was the cause ?—It was never stated to me that any accident happened at Montrose ; I never heard of it.

MORTON'S PATENT SLIP.

R E P O R T

FROM

THE SELECT COMMITTEE appointed
to consider how far it is Expedient to extend the
PATENT granted for Morton's Slip.

Ordered, by The House of Commons, to be Printed,

13 April 1832.

R E P O R T

FROM

SELECT COMMITTEE

ON

P U B L I C P E T I T I O N S :

W I T H

T H E M I N U T E S O F E V I D E N C E .

Ordered, by The House of Commons, to be Printed,
25 July 1832.

Mercurii, 9^o die Maii, 1832.

Ordered,

THAT a Select Committee be appointed to take into consideration the best Means to be adopted for facilitating the Presentation of Public Petitions:—And a Committee was appointed of

Sir Robert Peel, Bart.	Mr. Hunt.
Mr. Williams Wynn.	Sir Hedworth Williamson, Bart.
Mr. Hume.	Lord Viscount Morpeth.
Mr. Ruthven.	Mr. Strickland.
Mr. Charles Calvert.	Mr. Shaw.
Mr. Alderman Wood.	Mr. Fynes Clinton.
Mr. Ayshford Sanford.	Mr. Robinson.
Lord Viscount Althorp.	Mr. Heywood.
Marquis of Chandos.	Colonel Davies.
Mr. Littleton.	Mr. Adam Dundas.
Lord Viscount Sandon.	Mr. J. E. Gordon.
Mr. Yates Peel.	Sir Robert Harry Inglis, Bart.
Mr. O'Connell.	Mr. R. Gordon.
Mr. Sheil.	Mr. Warburton.
Sir Richard Vyvyan.	Mr. Lawley.
Sir George Clerk, Bart.	

And they are to meet To-morrow, in The Speaker's Chamber; and have Power to send for Persons, Papers and Records.

Ordered, That Five be the Quorum of the Committee.

R E P O R T.

THE SELECT COMMITTEE appointed to take into consideration the best means to be adopted for facilitating the Presentation of PUBLIC PETITIONS; and who were empowered to report the MINUTES OF EVIDENCE taken before them, to The House:—HAVE, pursuant to the order of The House, examined the matters to them referred, and agreed to the following REPORT:

YOUR COMMITTEE have made various inquiries connected with the subject referred to them, the details of which will be found in the Appendix to the Report.

It will be seen that there has been, of late years, a progressive and very considerable increase in the number of Public Petitions presented to The House.

In the Five Years ending in 1789, the number amounted to	880
In the Five Years ending 1805	- "
"	- to 1,026
In the Five Years ending 1815	- "
"	- to 4,498
And in the Five Years ending 1831	" " - to 24,492

Supposing the number of Petitions presented within the last five years, on account of the peculiar interest attached to the great political questions to which many of those Petitions referred, to exceed the general average which may be hereafter calculated upon, still there can be little doubt that the number of Petitions will continue so great, as imperatively to call for the adoption of some new arrangement with respect to their presentation. The regulations now in force are manifestly defective. The time allotted to the reception of Petitions, before the commencement of the general business of The House, and the frequent consumption of a great portion of that time in discussions arising on single Petitions, preclude the possibility of offering to The House the whole number of Petitions transmitted to Members. The necessary consequence has been, the attempt to discover some means by which Members having Petitions to present shall be placed upon an equal footing with respect to the opportunity of presenting them; and after the failure of other regulations, the selection, by ballot, of those Members who shall be entitled, on each day, to have precedence in the presentation of their Petitions, is the regulation at present in force.

It appears, however, from the evidence of Mr. Ellicombe, the Clerk who attends the Ballot, that, taking the average of the Session, there are about twelve Members in daily attendance at the Ballot; but that he judges, from the conversation of Members, that all beyond the first five despair of having their names called by The Speaker. This testimony, and that of Mr. Strickland and Mr. Sanford, Members of The House, the latter of whom states that he attended at the Ballot fourteen days in succession before his name was sufficiently advanced on the list to be called to by The Speaker, appear conclusive as to the accumulation of Petitions not presented, and the necessity of some new arrangement for the purpose of facilitating their presentation.

REPORT FROM THE SELECT COMMITTEE

Adverting to the number of hours which The House at present is in the habit of sitting for the transaction of public business ; the extent of that business ; the great importance to the public interest, that it should be deliberately discussed ; it appears equally difficult to suggest any plan by which either the period of sitting shall be extended, or a larger portion of that period shall be devoted to the reception of Petitions. There cannot be a doubt, indeed, that great public advantage would arise from the commencement of public business at as early an hour as possible after The Speaker has taken the chair, and at a time invariably fixed ; or, at least, at one liable to no other variation than that which might depend on the completion of the business connected with Private and Local Bills.

In the consideration of a remedy for the inconvenience at present sustained on account of the difficulties and delays in the presentation of Petitions, it has appeared to Your Committee of great importance to advert to the practice of former periods of Parliamentary history, in reference to the right of petitioning, and the practical exercise of that right, in order that the nature of the remedy now to be adopted may be, as far as possible, in conformity with constitutional usage.

On many former occasions it has been found necessary to establish regulations with respect to Petitions, for the purpose of ensuring, on the one hand, a due consideration of such Petitions, and on the other, of leaving to the Legislature sufficient time for the discussion and transaction of the general Business of the Country.

At that early period of our history, when the legislative and judicial capacities of the High Court of Parliament were so closely combined as scarcely to admit of distinction, Petitions in great numbers were presented from all classes of persons ; and not only on subjects of national concern, but on all the various cases of private wrongs and sufferings. It is stated in evidence by Mr. Palgrave, a gentleman engaged under the Commissioners upon the Public Records, in publishing Parliamentary Writs and Proceedings, that a vast majority (his expression is, " Ninety-nine in one hundred") of Petitions presented by individuals in the time that elapsed from the reign of Edward I. to that of Henry VI., related to private grievances.

At the opening of the Parliament, public proclamation was made, inviting the people to prefer their complaints to this tribunal ; and Receivers of Petitions were appointed, for the purpose of arranging and classifying them ; separating those Petitions which required the aid of the " King in Parliament," from others, to the complaints of which, the ordinary tribunals were competent to afford redress. After some variations in the practice, the appointment of Receivers and Triers of Petitions regularly took place ; and the form is still observed by The House of Lords at the opening of each new Parliament. The " Receivers" were usually the Clerks of the Chancery. The " Triers" were Committees of Prelates, Peers and Judges, with power to call to their aid the Lord Chancellor, the Lord Treasurer, and the Serjeants at Law. By them the prayer of the several Petitions presented was inquired into, and the Petitioners were referred, according to the nature of their respective Petitions, either to the tribunals from which redress might be obtained, or if the regular course of law afforded no redress, to the High Court of Parliament.

The Journals of The House of Commons contain the records of proceedings adopted by The House at various periods, for the purpose of regulating the presentation and disposal of Petitions ; the general character of which proceedings will be best ascertained by a reference to the Journals, from which the following Extracts have been made.

The

ON PUBLIC PETITIONS.

5

The first record of the appointment of the Committee of Grievances, to which it was the practice to refer Petitions, is in the year 1571.

In the 12th James I., a General Committee of the whole House was appointed for receiving Petitions, with directions to meet every Tuesday in the House, at Two o'clock in the afternoon.

It was subsequently moved by Mr. Hartwell, and agreed to, That the Committee of Petitions be tied to no certain time, but may meet as shall seem good to themselves.

The Journal of the 19th April 1620, (19th James I.) has the following entry :—

Vol. I. p. 58a.

Sir Thomas Rose. That divers Petitions rejected by the Committee, and so endorsed, yet not thought fit to re-deliver them without direction of The House, moveth, When any rejected by the Committee, they may be re-delivered to the parties by the Committee."

The appointing of the Chair at the Committee referred to the discretion of the Committee.

On the 23d February 1623, is the following entry :—

Vol. I. p. 671.

Mr. Delbridge moveth for a Committee of Grievances. Resolved, a Committee of the whole House in the House. Friday next to be the first day, at two of the clock.

Vol. II. page 49, 12th December 1640.

Committee of Petitions appointed, to peruse all Petitions that are come in, or to come in; and to peruse them, to see what Petitions are fit to be received, and to what Committee they are fit to be referred, and to report the same to this House.

Vol. II. page 61, 1st January 1640.

Members added to the Committee for sorting Petitions, and are specially to consider of, and to sort such Petitions as concern the Public.

Vol. II. page 66.

Ordered, That the Committee for sorting Petitions, now *sine die*, do meet on Thursday next.

Vol. III. page 649, 3d October 1644.

Committee appointed to consider the several Petitions already presented to The House, and to present them in such order to The House as may be for the speediest dispatch of them.

Vol. IV. page 228, 2d August 1645.

Members added to former Committee, &c. to consider Petitions fit for the consideration of The House, &c. and to prepare them in such order and course, as, by their necessity, they are fittest to be heard; to report their opinions upon them.

And it is further Ordered, That Saturday in every week be set apart for receiving Reports from this Committee.

Vol. IV. page 440, 14th February 1645.

Resolved, That the Committee on Petitions be suspended for six weeks.

A Committee appointed to consider what power the Committee on Petitions are to have, by what rules they are to proceed, &c. &c.

Vol. V. page 47, 9th January 1646.

Ordered, That the Petitions this day delivered into The House by the Members be numbered as they are delivered in, and presented according to their number to The House, and read, and taken into consideration in order, on Saturday next.

Vol. V. page 486, 8th March 1647.

Committee appointed, and any five of them are to meet in The House presently, at the rising of The House, and are to consider of the Petitions and Reports now offered and delivered in, and to figure them, and present them to The House, in such order as they are figured, to be read and considered of on Wednesday next, the first business; the which day is appointed for those Petitions and Reports, and nothing else, and no Member is to offer any other, that day, to the consideration of The House.

REPORT FROM THE SELECT COMMITTEE

Vol. VII. page 286, 16th July 1653.

That the consideration of the business touching Petitions to be presented to The House in such way as may least interrupt the business of The House, be referred to the Committee for Committees to report their opinion therein to The House.

Vol. VII. page 287, 20th July 1653.

Committee appointed to consider of such Petitions as are directed to Parliament, and to present such of them only to Parliament as are proper to legislative power; power to send for Persons, Papers and Records; leave to examine Witness on oath, and report to Parliament.

Vol. XII. page 83, 4th February 1697.

Ordered, That no Petition be received after ten of the clock in the forenoon.

The above extracts from the Journals contain an account of the chief Regulations established from time to time in respect to the presentation of Petitions, to which it has appeared to Your Committee material to advert, with reference to the objects of the Inquiry into which it has been their duty to enter. Such Regulations were probably adopted on account of temporary difficulties arising from the number of Petitions, or the pressure of other important business; and were departed from when the difficulties ceased to exist. They certainly do not appear to have been practically enforced for any considerable period of time; and the chief object in referring to them now is to indicate the nature and character of the remedy which has been applied at former periods, when it has been found necessary to establish rules for the presentation of Petitions:

After a careful review of the whole subject, Your Committee is disposed to recommend to The House the adoption of the following Plan; as upon the whole best calculated to effect the object for which Your Committee was appointed.

That a Committee of the whole House should, on certain days of the week, sit in The House for the reception of Public Petitions.

That as the number of days on which it would be fit for the Committee to meet, and the hours of meeting, must depend in great measure upon the number of Petitions likely to be presented in any given week, the days and hours of meeting should be fixed, either by the authority of The Speaker, or on Motion in The House, at the close of the week preceding.

That the Chairman of the Committee should be appointed by the Committee. It is hoped, however, that the Committee might have in general the advantage of the superintendence of the Chairman of Ways and Means, whose official station and experience in the business of The House, would ensure regularity in the proceedings of the Committee, and give to them additional weight and authority.

Your Committee is not disposed to recommend that the presence of any given number of Members should be required, for the purpose of enabling the Committee to appoint a Chairman, and to proceed to the reception of Petitions. If the attendance on any given day be deemed insufficient, a Member will always be enabled to exercise his discretion as to the presentation on that day of the Petitions with which he may be entrusted.

The proceedings of the Committee will necessarily close on the appearance of The Speaker in The House, or they may be terminated at an earlier hour, at the discretion of the Committee, so soon as the Petitions offered for presentation have been received.

It is proposed, that Members wishing to present Petitions on any given day, shall write their names on the 'eveing' preceding on a Paper, to be placed

placed in charge of the Clerk, on the Table of The House ; and that the names so written shall on the following day be called in their order by the Chairman of the Committee. That Members not having inscribed their names on this List, shall write them on a Second List, after the Chairman shall have taken the Chair ; and that the Second shall be proceeded with in order, when the first has been exhausted.

It will probably be necessary to establish a rule, That all Petitions must, without exception, be presented to the Committee of Petitions, and not to The House with The Speaker in the Chair. If exceptions be made, each Member will be disposed to claim for himself the benefit of the exception, and will with reluctance admit the superior importance of any particular Petition which it may be proposed to exempt from the general rule.

If however it be deemed inexpedient to apply a regulation of this nature strictly and invariably to all Petitions without discrimination, it ought, at any rate, to be required from a Member desirous to present a Petition to The House with The Speaker in the Chair, that he should give previous notice of such intention, in the same manner as he would give notice of a Motion. There is, however, ground for apprehension, that such notices might not be limited to special and peculiar cases ; and that the good effect of the proposed arrangement might be defeated, through the natural disposition of Members to attach extraordinary importance to the Petitions with which they themselves are intrusted, and to seek special occasions for their presentation.

In the evidence appended to the Report will be found some information respecting the printing of Petitions. It will be seen, that out of 24,492 Petitions presented in the five years ending in 1831, not less than 10,685 were ordered, on motion made in The House, to be printed ; that these Petitions are printed as an Appendix to the Votes ; and that this charge for printing the Appendix for the five years ending 19th October 1831, has amounted to upwards of £. 12,000.

It will be seen also that some members of The House decline receiving the Appendix, considering it as an incumbrance ; and that, during the last year, while there were sold to the Public 400 copies of the Votes, there were not sold more than 150 copies of the Appendix. This information will probably confirm the general impression of most Members conversant with the business of The House, that the expense of printing many of the Petitions which The House orders to be printed might be saved, without any disadvantage to the Public interests.

With reference to this part of the subject, it has occurred to Your Committee, that it might be expedient that at the commencement of each Session a Select Committee should be appointed, whose duty it should be to classify all Petitions presented to the General Committee of Petitions ; and to make to The House a periodical Report, (either weekly, or as often as occasion might require) arranging the Petitions according to the subjects to which they referred ; and containing a general summary of the Prayer of each Petition, and an account of the number of Signatures.

To this Committee a discretionary power should be left as to the printing *in extenso* of any Petitions which might contain facts or reasoning of which, in their judgment, The House ought to be apprized. By the adoption of this suggestion, The House would attain more information in respect to Petitions generally than they now possess ; and their attention would be called with much more certainty to the matter contained in

Petitions of real importance and interest, in consequence of discrimination and judgment exercised in respect to the printing of them.

Should it be thought advisable to appoint a Select Committee for the purpose above-named, it appears to Your Committee that some of the forms which at present accompany the presentation of a Petition in The House might be dispensed with in the General Committee. At present there are four distinct Motions (each affording the opportunity for a separate speech), on the occasion of presenting a single Petition, and the ordering of it to be printed. If it were understood that all Petitions presented to the General Committee were afterwards to be referred to a Select Committee, for the purpose of being arranged and reported upon, it would probably suffice to have one Motion, and one only, either on the question of a Petition being brought up, or of its being referred to the Select Committee.

Such is the general outline of the Plan which Your Committee is disposed to recommend to The House for the purpose of facilitating the presentation of Public Petitions. Your Committee trust that it will be found, in practice, to unite the advantages of insuring the opportunity to each Member of presenting Petitions, before the matter to which they refer comes on for discussion in The House; of dispensing altogether with the necessity of the selection of names by Ballot; of placing under proper control the printing of Petitions; and of enabling The House to proceed without interruption, at a fixed hour, to the discussion of Public Business.

25 July 1832.

MINUTES OF EVIDENCE.

L I S T.

Lunæ, 4° die Junii, 1832.	Veneris, 15° die Junii, 1832.
<i>John Bull, Esq.</i> - - - p. 9	Mr. John Bayyer Nichols - - - p. 12
Mercurii, 13° die Junii, 1832.	Mr. James Mitchell - - - p. 14
<i>John Bull, Esq.</i> - - - p. 10	Mr. George Ellicombe - - - p. 16
<i>George Strickland, Esq.</i> - - - p. 11	<i>John Bull, Esq.</i> - - - p. 17
<i>Ayshford Sanford, Esq.</i> - - - p. 12	Veneris, 22° die Junii, 1832.
	Mr. Francis Palgrave - - - p. 19

Lunæ, 4° die Junii, 1832.

THE RIGHT HONOURABLE SIR ROBERT PEEL, BARONET,
IN THE CHAIR.

John Bull, Esquire, Clerk of the Journals and Papers, called in ;
and Examined.

1. THE Committee wish to have information with respect to the presentation and printing of Petitions for certain periods; the number of Petitions presented to The House of Commons during the following periods; each of the five years ending the 1st of January 1790, each of the five years ending the 1st of January 1800, each of the five years ending the 1st of January 1806, each of the five years ending the 1st of January 1811, each of the five years ending the 1st of January 1816, each of the five years ending the 1st of January 1826, and each of the five years ending the 1st of January 1832, specifying the number of such Petitions in each year which were ordered on motion to be printed?—I can furnish it certainly, but it will take a considerable time. There will be no difficulty in taking any of the years where there are Appendices. I should have no difficulty in returning from the schedules the number of Petitions, and, since the Appendices have been made, there will be none in regard to those that are printed.

2. Is there any memorandum made on the Petition, that it is printed?—They are not so indorsed, but are indorsed with the name, and a number put on them referring to the Schedules, and we can find them in a few minutes. According to the Schedules of last year, I think there were not less than 9,600 Public Petitions presented in the course of the last spring.

3. How many of these were ordered to be printed?—I could refer to the year in a minute, and ascertain the number of the Appendix.

4. Would not a mere examination of a volume of the Journals by one of your clerks with another of your clerks, without reference to the schedules, furnish all the information that it is desirable the Committee should have?—I think it would take a good deal of time. There would be no difficulty about it; but my opinion is, that the best way would be to take the schedules, and abstract from them, in the first instance, the whole number.

5. On the next day of meeting, the Committee will be glad if you will inform them of any variation in the course that has been taken by The House with respect to Petitions, and what used to be the course in 1785 and 1790; whether they printed them in the Votes *in extenso*, or whether the printing in the Journals differed from the printing in the Votes?—I will.

*John Bull,
Esq.*

4 June,
1832.

MINUTES OF EVIDENCE TAKEN BEFORE

Mercurii, 13° die Junii, 1832.

THE RIGHT HON. SIR ROBERT PEEL, BART., IN THE CHAIR.

*John Bull,
Esq.*13 June,
1832.*John Bull, Esquire, again called in; and further Examined.*

6. DURING the interval which has passed since the last meeting of the Committee, have you prepared the information which you were requested to prepare?—I have. [Handing in a Paper.]

7. Does the Paper which you have now put in contain that?—Yes, it does.

[*The same was read as follows:*]

The practice, in 1789, was to print all Public Petitions in the Votes, either at length or a short abstract of them, classing them, as much as possible, according to their subjects, without any motion or special order of The House for that purpose; and this practice was continued till about the middle of the Session 1817. In 1817, when the Abstract of the Votes was determined upon, it then became necessary, that no interruption might take place in the delivery of this Abstract the next morning, to print separately, as an Appendix, such petitions as The House thought proper to order to be printed, upon motion, which are now delivered twice a week. From 1789 to 1817, the Journal, in this particular, was an exact copy of the Votes: but since 1817 the practice has been, as much as possible, to class the Petitions, according to the subject to which they relate, inserting as little as possible, taking care only that what is inserted should be a correct statement of the object for which the petitioners pray. Petitions not specially ordered to be printed are also classed, where it is possible so to do, and abstracted as above. Petitions of individuals complaining of grievances are generally entered very short, showing the grievance complained of, but omitting the particulars of the case. Other petitions, which appear to be of a very special nature, such as election petitions, petitions from the Colonies, or petitions complaining of the breach of the Standing Orders, are generally entered at length, and printed in the Journal, although they may also have been printed in the Appendix: and in all cases where petitions are abstracted, care is taken, as much as possible, to adopt and print in the Journal the language of the Petition.

The printing of the Appendix goes on daily, and the delivery takes place twice a week. This despatch is effected by keeping the press constantly and regularly supplied; if this was not done, it is obvious that great delay must take place, and the convenience of a rapid delivery frustrated.

AN ACCOUNT of the Number of PUBLIC PETITIONS presented to the House of Commons for the Five Years ending 1789, 1805, 1815, and 1831; specifying the Number of such Petitions in each Year, which were ordered, on Motion, to be Printed.

<u>YEARS</u>	No. of Public Petitions Presented.	No. of Public Petitions ordered, on Motion, to be Printed.
1785 - - - - -	298	—
1786 - - - - -	156	—
1787 - - - - -	98	—
1787/8 - - - - -	201	—
1788/9 - - - - -	127	—
5 Years ending 1789 - - - - -	880	—
1801 - - - - -	192	—
1801/2 - - - - -	158	—
1802/3 - - - - -	367	—
1803/4 - - - - -	168	—
1804/5 - - - - -	141	—
5 Years ending 1805 - - - - -	1,026	—
1811 - - - - -	132	—
1812 - - - - -	340	—
1812/13 - - - - -	1,699	—
1813/14 - - - - -	1,479	—
1814/15 - - - - -	848	—
5 Years ending 1815 - - - - -	4,498	—
1827 - - - - -	3,635	1,959
1828 - - - - -	4,074	1,579
1829 - - - - -	4,041	3,394
1830 - - - - -	2,522	1,381
1830/1 - - - - -	8,961	1,869
1831 - - - - -	1,259	703
5 Years ending 1831 - - - - -	24,492	*10,685

* The number of Appendices.

8. Could

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SELECT COMMITTEE ON PUBLIC PETITIONS.

11

John Bull,
Esq.

13 June,
1832.

8. Could you tell the Committee how many pages were occupied in printing the 10,685 Petitions that were ordered to be printed on special motion, in the five years ending in 1831?—It appears by reference to the Appendix to the Votes and Proceedings of the House of Commons, which is occupied exclusively by public petitions, including Election Petitions, that it contains 1,535 pages; I am speaking now of the year 1829, extending from the 6th day of February 1829 to the 24th day of June.

9. Can you tell the Committee whether all these Petitions are bound up?—They are not bound up; the Petitions themselves are all indorsed, folded up, put into bundles, tied round with straps, and schedules made of them. I found within the last three or four years the Petitions increased so much, that I was obliged to make a different arrangement in my office, in consequence of the difficulty there was in finding them; I found it necessary to keep a schedule of them during the Session, so that any Petition might be found in the course of a few minutes; and at the end of the Session, during the summer, all the Petitions are scheduled, indorsed, numbered and put by; and they form such a mass as the Committee can have no notion of, unless they were to see them together.

10. Are the names kept?—Yes; I can find a Petition any Member requires in a few minutes.

11. During the last five years what has been the practice with respect to printing Petitions in the Journals?—The practice is as I have stated in the paper that I handed in.

12. But of course there is a great variation between the amount of printing in Votes and in Journals?—The Appendix to the Votes is a very extensive thing. I do not think that that part of the Journals amounts to a great deal, because we endeavour now to keep the Journals as small as possible; if we were to print the Petitions now at length in the Journals, there would probably be three or four volumes instead of one.

13. How many copies of the Votes are printed?—That I cannot answer, because a great many are sold by authority; that is one of the papers of this House which may be sold, and the produce brought to account in some way or other, I do not exactly know how.

14. How many public documents are bound up for the use of The House?—I cannot from memory tell, but I can give the Committee a Return upon that subject.

15. Are the Appendices to the Votes always printed?—Yes.

16. And this class of Petitions kept separate?—Yes.

17. How many volumes did the 10,685 Petitions make?—Six volumes; some of them very large.

18. The Report on Printing done for the House, in 1828, recommends that the printing of an Appendix to the Journal should be discontinued?—That Appendix is an Appendix of Accounts and Estimates, which at one time was carried to a very great length.

19. And is it discontinued now?—No, but it is very much less; I suppose not half the size that it used to be.

20. It appears that the Appendix for the two Sessions in the last year amounts to 1,719 pages; are they bound up year by year, and not by Sessions?—Sometimes bound up for the year; indeed generally, but these are separate.

21. Who has the charge of the balloting by which the order of presenting Petitions is at present determined?—One of the clerks in Mr. Dorington's office.

George Strickland, Esquire, a Member of the Committee, Examined.

22. HAVE you had any experience of the inconvenience sustained in presenting Petitions under the system at present adopted?—I have.

*George Strickland,
Esq. M.P.*

23. Will you state to the Committee what the nature and extent of that inconvenience is?—I frequently receive Petitions which the parties who send them are anxious should be presented to The House without delay; I come down at ten o'clock in the morning, and sometimes find as many as fifteen Members present, who have come down with the same object as myself; the ballot for many days in succession may place me low in the list, when from the business before The House there is no prospect of the Petitions being presented; this causes

*George Strickland,
Esq. M.P.*

*13 June,
1832.*

causes a troublesome correspondence with my constituents to explain why the Petitions have not been presented; and I am unable to give any answer as to the probable time when they will be presented, for it all depends on the uncertainties of the ballot.

24. Can you tell the Committee the number of days that you have attended without being successful?—Why, fortune has been rather favourable to me; I have no great reason to complain upon that ground, but I know other Members who have; I have been several times put high on the list, and got quit of my Petitions.

25. And may you present any number of Petitions when you are in possession of The House?—If The Speaker be not tired of receiving them, or the time has not elapsed; I have known him stop persons from presenting Petitions when they had more to present.

26. Have you occasionally had Petitions to present relating to matters which were under the consideration of The House, which you have been prevented from presenting previously to the discussion in the House of Commons coming on?—I never have been prevented doing it, for I have contrived somehow to get it presented; but at this present time I have a Petition for which I balloted this morning; it is respecting the boundaries of a borough, and the Report will probably be brought up to-morrow, which leaves me no fair prospect, at least by the ballot, and by the usual mode of presenting Petitions, of getting it presented in time.

Ayshford Sanford, Esquire, a Member of the Committee, Examined.

*A. Sanford,
Esq. M.P.*

27. HAVE you been put to great inconvenience in the attempt to present Petitions?—Yes; on one occasion I balloted fourteen days before my name was sufficiently advanced on the list.

28. And were you obliged to attend in the morning of each of those days?—On each day I was there at ten o'clock.

Veneris, 15° die Junii, 1832.

THE RIGHT HON. SIR ROBERT PEEL, BART., IN THE CHAIR.

Mr. John Bowyer Nichols, called in; and Examined.

*Mr.
J. B. Nichols.*

*15 June,
1832.*

29. THE immediate object of our inquiry, Mr. Nichols, is to ascertain, first, the total charge for printing each page of the Votes which contains Petitions, and then the total expense occasioned to the country by the printing of Petitions, which have been printed within the last three or four Sessions?—I have taken the liberty, in consequence of an interview with Mr. Bull, of drawing up a Statement, which I hope will meet with your approbation.

30. Be so good as to read it?—

AN ACCOUNT of the EXPENSE of PRINTING the APPENDIX to the VOTES of
The House of Commons for Five Years.

Session 1826-7.—From November 22, 1826, to June 29, 1827.	£. s. d.
The Charge for Printing the Appendix, consisting of 1,959 numbers, 1,420 pages, or 355 sheets, 1,000 copies printed, at 3 <i>l.</i> 13 <i>s.</i> 6 <i>d.</i>	1,304 12 6
Corrections, Sunday and Night-work	189 3 -
Paper for the same, 732 reams, at 2 <i>s.</i> 1 <i>d.</i>	768 12 -
	<hr/>
	£. 2,262 7 6

Session 1828.—From January 31 to July 25.

The Charge for Printing the Appendix, consisting of 1,579 numbers, 1,026 pages, or 256 sheets and a half, 1,000 copies printed, at 3 <i>l.</i> 13 <i>s.</i> 6 <i>d.</i>	942 12 9
Corrections, Sunday and Night-work	100 11 -
Paper for the same, 525 reams, at 2 <i>s.</i>	525 - -
	<hr/>
	£. 1,568 3 9

Session

SELECT COMMITTEE ON PUBLIC PETITIONS.

13

Session 1829.—From February 6 to June 24.

	£. s. d.	Mr. J. B. Nichols.
The Charge for Printing the Appendix, consisting of 3,194 numbers, 1,536 pages, or 384 sheets, 1,000 copies printed, at 3 <i>l.</i> 10 <i>s.</i>	1,344 - -	
Corrections and Night-work - - - - -	124 - -	
Paper for the same, 786 reams, at 20 <i>s.</i> - - - - -	786 - -	
	<hr/>	
	£. 2,254 - -	

Session 1830.—From February 5 to July 23.

The Charge for Printing the Appendix, consisting of 1,382 numbers, 1,006 pages, or 251 sheets and a half, 1,000 copies printed, at 3 <i>l.</i> 10 <i>s.</i>	880 5 -	
Corrections and Night-work - - - - -	77 13 -	
Paper for the same, 513 reams, at 20 <i>s.</i> - - - - -	513 - -	
	<hr/>	
	£. 1,470 18 -	

Session 1830-31.—From November 3, 1830, to April 10, 1831.

The Charge for Printing the Appendix, consisting of 1,969 numbers, 1,210 pages, or 302 sheets and a half, 1,000 copies printed, at 3 <i>l.</i> 10 <i>s.</i>	1,058 15 -	
Corrections and Night-work - - - - -	130 12 6	
Paper for the same, 612 reams, at 18 <i>s.</i> - - - - -	550 16 -	
	<hr/>	
	£. 1,740 3 6	

Session 1831.—From June 22 to October 19.

The Charge for Printing the Appendix, consisting of 703 numbers, 512 pages, or 128 sheets, 1,000 copies printed, at 3 <i>l.</i> 10 <i>s.</i>	448 - -	
Lithographic Plan, and Printing ditto - - - - -	10 15 -	
Corrections and Night-work - - - - -	39 6 -	
Paper for the same, 262 reams, at 18 <i>s.</i> - - - - -	235 16 -	
	<hr/>	
	£. 733 17 -	

June 15, 1832.

J. B. Nichols & Son.

I ought to explain that the numbers are numbers of the Petitions, except that under one number, three or four Petitions are sometimes included.

31. When you say that three or four Petitions are included, do you mean that the Petitions are worded in the same manner, and that the printing of one Petition is considered as adequate for the purpose?—Yes, they run under one head of Petitions, with one general prayer at the end.

32. In the Paper you have just read the word “numbers” is mentioned; be good enough to explain in what sense the word “numbers” is used there?—At the head of each Petition is put a number by the printer, and under that number sometimes three or four Petitions are included.

33. So that in fact there are more Petitions than there are numbers?—Yes.

34. Can you state at all the probable excess of Petitions above the numbers?—I should think one-fourth more.

35. The number is the number contained in the Votes?—In the Votes and Proceedings, referring to the Appendix; if the Petitions are found to be similar in form they are put under one number.

36. It appears from this Paper that there are three items of charges, one a charge for printing, the second for correction, Sunday and night-work, and the third for paper for the printing?—Yes.

37. Do you conceive that includes the whole charge incurred by the public on account of printing Petitions?—No.

38. What are the additional items?—There are sums paid to the clerks of the House of Commons for transcribing the Petitions for the press, and correcting them, and those sums have, till the last two Sessions, been placed, by the order of The Speaker, at the foot of the printers’ account; for the last two Sessions we have not had directions to do so, and they have been paid, by the order of Mr. Ley, some other way in the House.

39. Then in order to ascertain the total charge incurred by the public on account of printing Petitions, it would be necessary to have those items among them?—Yes, I can speak to the items, all but the last two Sessions.

639.

B 3

40. To

MINUTES OF EVIDENCE TAKEN BEFORE

Mr.
J. B. Nichols.

15 June,
1832.

40. To whom should we apply for the two last Sessions?—To Mr. Bull, the Clerk of the Journals.
 41. Can you give us the charge for the three first years?—Yes.
 42. Do so?—It will be four Sessions; this Paper contains it:

[It was handed in, and was as follows:]

APPENDIX to the VOTES.—The Sums ordered by The Speaker to be added to the Printers' Bill, for Copying and Examination of Petitions for the Appendix to the Votes:

	£. s. d.
Session 1826-7 -	457 9 10
— 1828 -	292 4 —
— 1829 -	438 3 2
— 1830 -	353 1 4
— 1830-1, not in Messrs. Nichols' Account.	
— 1831 - ditto.	

43. Do you think it possible there can be any other item which we ought to have in order to ascertain the actual cost?—I think not.
 44. Those items contain the actual charge to the Public for printing the Petitions?—Yes, without any expense is incurred in the delivery of them; I think it is very trifling; they are folded up with the Votes and Proceedings and Appendix, and go at the same time. Mr. Mitchell can tell.
 45. How many pages does a sheet contain?—Four pages.
 46. What is the actual cost of printing a sheet of Appendix, excluding the charge for copying the manuscript?—Three pounds ten shillings.
 47. Without reference to the blanks on that sheet?—There are scarcely any blanks; it is one continued series of full print.
 48. That is about 17s. 6d. a page?—Yes.
 49. What appears to be the average space which each Petition occupies upon paper?—That Paper will show the number of Petitions and the number of pages each Session; it depends entirely upon the length of the Petition.
 50. What is the total number of copies of each sheet of Appendix printed?—One thousand copies.
 51. Do you know how those are disposed of?—We deliver the whole to the care of Mr. Mitchell, except about twelve copies, which we deliver to The Speaker and the officers of The House for their use.
 52. I suppose Mr. Mitchell will be the proper person to inform us of that?—Certainly.

Mr. James Mitchell, called in; and Examined.

Mr.
James Mitchell.

53. WE are making inquiries into the total charge incurred by the Public on account of the printing of Public Petitions, and in order to ascertain the exact amount of that charge it is necessary for us to know what sums the Public receive on account of the sale of the Appendix; how many copies of the Appendix do you receive?—Nine hundred.
 54. Nine hundred, Votes and Appendix?—Yes.
 55. There are 1,000 printed?—Yes.
 56. What becomes of the other 100?—They are in store.
 57. Will you tell us whether there is any difference in delivering the Votes and Appendix to the Members?—The Votes and Appendix are delivered together to the Members.
 58. How many copies are delivered to the Members?—Nearly the whole of the Votes.
 59. Do all of them take the Appendix?—Not all of them.
 60. Do they consider the Appendix an incumbrance?—Yes, some of them; other Members have several copies of different Petitions.
 61. You consider it necessary to set apart 650 copies for the use of Members of the House?—Yes, more.
 62. Are there any set apart for the House of Peers?—Only for the officers and clerks; about twenty or thirty copies are set apart for them.
 63. What becomes of the remainder?—Several copies are sold as perquisites of the office, towards paying the expenses; the remainder are kept in store.
 64. Do you account for the sums received by the sale to the Public?—Not for the Appendix; those copies which remain out of the number I officially receive,

Mr.
James Mitchell.

15 June,
1832.

receive, are the perquisites of the office, being at present more than sufficient for the supply required by the Public.

65. If they go towards the expenses of the office, the sum for which they are sold is brought into the account?—If the number sold exceeded what I officially receive, then, as in the case of the Votes (the sale of which very much exceeds the number I am entitled to), the number sold would be paid for by me to the printer, and by him accounted for.

66. Then the 650 are deducted from the 900?—I receive 900 copies altogether.

67. And there are 12 sent to the officers of the House of Lords?—I think it is 27; and what are delivered amongst the officers of the House of Commons, also, makes it amount to about 50.

68. Then there are 700 for which there is a demand?—Certainly.

69. Then that leaves only 200?—Yes.

70. Tell us what is the demand, first, for the 200 copies of the Votes, and then for the 200 copies of the Appendix; is there a full demand for the 200 copies of the Votes?—Yes, for more than that; and what I require for sale to the Public beyond the 900, I apply to Mr. Nichols for, and pay him 3d. per sheet; the amount of my bill last year to Mr. Nichols was upwards of 1,100l.

71. How many copies of Votes were sold to the Public last year?—About 400 sets of Votes.

72. How many copies of the Appendix were sold to the Public?—Not more than 150.

73. Then you never have had occasion to apply to Mr. Nichols for more than 900 copies of the Appendix?—Never, except there was any particular Petition which I might want, which is very seldom the case.

74. In that case he would send you an additional number of copies of that particular Petition?—Yes, which I pay for.

75. You pay a certain sum per sheet?—Three-pence per sheet.

76. How can they be supplied for 3d. per sheet?—I pay 3d. per sheet, and sell them at 4d., which is settled by The Speaker.

77. The cost to the country is 3l.?—The Public are supplied with the Votes for three guineas per Session, and in addition to that, for the Appendix, 4d. per sheet.

78. Then there are 50 copies of the Appendix for which there is no demand?—Yes.

79. What becomes of those 50 copies?—They are all kept in store.

80. Do you not consider you might properly dispose of those?—Yes, after a certain time, but I have never done that yet.

81. What is the description of persons who apply to you to be furnished with copies of the Appendix?—Solicitors in general, both town and country, and persons who have Parliamentary business to attend to.

82. In the Appendix of which you are speaking, are private petitions contained?—Petitions relating to Private Bills are seldom printed.

83. Petitions relating to Private Bills are contained in the Appendix?—Very seldom, as I have before stated.

84. Are there any other public documents in which the Petitions are entered?—I believe not.

85. Do you not find that the solicitors apply for the Appendix, in order to be able to ascertain the contents of private petitions rather than Public Petitions?—I cannot answer that.

86. Do the public corporations apply for copies?—Certainly, both of the Votes and the Appendix.

87. And do not the editors of newspapers?—All newspapers have them.

88. Do they pay for them?—Yes.

89. You believe the annual demand is for about 150 copies of the Appendix, as nearly as you can calculate?—Yes.

90. There has been something said about the delivery of them; is there any expense to the country for the delivery of them?—Certainly not; my charge to the parties buying them, includes the delivery.

91. Do I understand you to say that you receive 4d. per sheet for the Appendix, and that you pay 3d. per sheet for the additional number of copies?—If additional copies were required, I should pay 3d. per sheet for the Appendix, as I do for the Votes.

639.

B 4

92. Suppose

Mr.
James Mitchell.

15 June,
1832.

92. Suppose a party applies to the Vote Office, do you still charge him 4d. a sheet?—Yes, agreeably to the public notice put up in the office.

93. Are they forwarded to places in the country free of expense?—Yes, certainly, both the Votes and the Appendix.

94. What is the number of copies of the Appendix you forward by the post?—About one-third of what is sold; about fifty; they go with the Votes as they come from the printers' twice a week; the delivery of the Appendix is Wednesday and Saturday; the Votes every morning. Here is a copy of the Regulations under which the Public is supplied with copies of the Votes and Appendix.

[*The document was handed in, and read.*]

House of Commons.

NOTICE is hereby given, That the official abstract of the daily Votes and Proceedings of the House of Commons, and of the Business appointed for the next day, will be published at the rate of 4d. per sheet, at No. 14, Great George-street, Westminster:

Or, will be delivered every morning in town, during the Session of Parliament, or sent, postage free, into the country, for Three Guineas.

The Appendix matter, consisting of Petitions, &c. and usually published on Monday morning, is too uncertain in amount to be furnished otherwise than at the rate of 4d. per sheet.

Apply personally, or by letter, post paid, to Mr. James Mitchell, 14, Great George-street, Westminster.

95. Will there be any advantage to the Public if the Votes only, and not the Appendix, were to be delivered to the Members?—Certainly not, unless they were not printed at all.

Mr. George Ellicombe, called in; and Examined.

Mr.
George Ellicombe.

96. I BELIEVE you have the superintendence of the ballot for the presentation of Petitions?—I have.

97. Explain to us what is the practice?—About ten minutes before 10 o'clock I go into the House with a number of small pieces of paper, on which I write the names of the Members present; and having folded them up, I put them into a glass, and, at ten o'clock precisely, draw the names out and call the Members; if they be present, I desire them to put their names on the public paper in the order drawn out.

98. What is the case if a Member be not present?—The practice is, that the Member should put his own name down; therefore if he be not present, his name does not appear on the list.

99. Does not the number vary from day to day?—Yes, it varies a great deal; there are about twelve Members daily, taking the average of the Session.

100. Yesterday there were fifteen; how many were there this morning?—Not above six this morning.

101. What proportion of those who attend in the morning have the opportunity in the evening of presenting their Petitions?—I can only answer that question from what I hear Members state in the morning; all beyond the first five seem to despair of having their names called by The Speaker.

102. Do you know whether the papers are preserved on which the names of the Members are set down?—They are not preserved.

103. Suppose a Member has ten Petitions to present, and his name is drawn first, and the ten Petitions relate to different subjects, is he at liberty to present the ten Petitions in consequence of his name being drawn out first?—I believe so,

104. Among the Members who attend, and with whom you have the opportunity of daily intercourse, is there considerable dissatisfaction expressed?—Considerable; there is hardly any Member who appears to be satisfied with the present arrangement.

105. Do you find that the same Member is obliged frequently to attend, in consequence of his name being drawn late in the ballot?—Yes.

106. Do you recollect any extreme case?—I think I heard one Member state he had attended ten times before he had an opportunity of presenting his Petition.

107. Before the late arrangement, the practice was, that any Member who was down in the early part of the list might substitute, in the place of his own name, the name of another Member; is that now the practice?—No; I believe before the present arrangement the practice was, that at whatever time a Member came

came to the House, if it were six in the morning, he put his name down, and if he were present at ten o'clock, his name would stand first on The Speaker's list.

108. Was it not the practice of some Members to come early in the morning, and again at ten o'clock?—Yes, it was the constant practice; and if they did not attend at ten o'clock, their names would not have been on The Speaker's paper.

109. Was not the effect of that practice that a small number of Members were in the habit of getting the priority in a great number of cases?—Yes, decidedly; there were a few Members who live near the House who made it their constant practice.

110. Do you consider that the greatest dissatisfaction has been expressed under the present or under the former system?—I had no opportunity of judging of the former system, my duty being merely to place the paper upon the Table of the House.

John Bull, Esq. again called in; and further Examined.

111. DURING the last two Sessions, what was the expense, which was formerly contained in the printers' bill, for copying Petitions?—In Session 1830 and 1831, 385*l.* 11*s.* 10*d.*; in 1831, the Summer Session, 155*l.* 11*s.* 6*d.*; that is the expense of copying Petitions, examining copies, examining proofs, and every thing connected with the expense of printing the Appendix in my office.

Mr.
George Ellcombe.

15 June,
1832.

John Bull,
Esq.

**MINUTES OF EVIDENCE TAKEN BEFORE
PAPER DELIVERED IN TO THE COMMITTEE.**

House of Commons, Tuesday 19 June 1832.

Mr. RICKMAN has the honour to enclose to Sir Robert Peel, a detail of the Number of Acts of Parliament passed during the last 25 years (28 Sessions), with the days and hours of sitting in each Session, and the subject on which the largest Division took place.

Sir Robert Peel will perceive that the quantity of legislation has sensibly lessened since 1825, while the time of sitting has rather increased; so that although Mr. Rickman has endeavoured to exhibit, in a concise form, the information desired by Sir Robert Peel, he is aware it may be fitter for his private use than for the Committee. Of this he will judge.

HOUSE OF COMMONS.

ACTS OF PARLIAMENT passed in each Session, Time of Sitting, and largest Number of Members of Parliament present.

SESSION.	Public General Acts.	Private Acts.	YEAR.	SESSION		Sitting Days.	Sitting Hours.	Largest Number of Members present at any Division or Ballot.
				Commenced.	Terminated.			
46 G. III.	158	226	1806	21 Jan.	23 July	105	645	30 May - Clause in Mutiny Bill - 381
47 G. III. (Sess. 1)	56	268	1807 (Sess. 1)	15 Dec.	27 April	86	434	3 April { Dismissal of Administration - - - } 489
47 G. III. (Sess. 2)	78		1807 (Sess. 2)	22 June	14 Aug.	45	272	26 June - Address - - - - 510
48 G. III.	152	234	1808	21 Jan.	4 July	111	829	29 March, At a Ballot - - - - 355
49 G. III.	129	304	1809	19 Jan.	21 June	97	746	15 March, Duke of York's Conduct 497
50 G. III.	119	314	1810	23 Jan.	21 June	97	802	19 March, Scheldt Expedition - 509
51 G. III.	128	295	1811	1 Nov.	24 July	135	588	31 Dec. - { Creation of Peers by the Regent - - - } 449
52 G. III.	165	289	1812	7 Jan.	30 July	137	856	24 April Roman Catholic Question 519
53 G. III.	162	295	1813	24 Nov.	22 July	136	776	24 May - Roman Catholic Bill - 501
54 G. III.	190	298	1814	4 Nov.	30 July	127	476	22 April { Lord Morpeth versus The Speaker - - - } 385
55 G. III.	196	212	1815	8 Nov.	12 July	119	654	25 May - War against Buonaparte - 428
56 G. III.	142	163	1816	1 Feb.	2 July	91	667	18 March Property Tax - - - 443
57 G. III.	132	140	1817	28 Jan.	12 July	100	587	2 June - Election of a Speaker - 470
58 G. III.	101	153	1818	27 Jan.	10 June	84	488	11 March { Indemnity Bill, Habeas Corpus - - - } 308
59 G. III.	138	208	1819	14 Jan.	13 July	118	774	18 May - { Committee, State of the Nation - - - } 540
60 G. III.-1 G. IV.	14	167	1819-20	23 Nov.	28 Feb.	34	563	1819.
1 G. IV.	119		1820	21 April	23 Nov.	69		14 Nov. Address - - - - 536
1 & 2 G. IV.	123	187	1821	23 Jan.	11 July	104	861	1820. 22 June { Resolution regarding Queen Caroline - - - } 520
3 G. IV.	127	161	1822	5 Feb.	6 Aug.	105	858	26 Jan. - Queen's Name in Liturgy 524
4 G. IV.	100	167	1823	4 Feb.	19 July	96	774	30 April - { Roman Catholic Peers in Parliament - - - } 498
5 G. IV.	115	213	1824	3 Feb.	25 June	86	622	24 April - Reform of Parliament - 454
6 G. IV.	134	282	1825	3 Feb.	6 July	91	687	11 June - { Condemnation of Missionary Smith - - - } 344
7 G. IV.	79	201	1826	2 Feb.	31 May	64	457	1 March, Roman Catholic Claims - 485
7 & 8 G. IV.	75	184	1827	14 Nov.	2 July	106	645	27 April - Reform of Parliament - 375
9 G. IV.	95	175	1828	29 Jan.	28 July	111	777	6 March, Roman Catholic Claims - 553
10 G. IV.	63	205	1829	5 Feb.	24 June	79	540	26 Feb. - { Corporation and Test Acts Repeal - - - } 435
11 G. IV.-1 W. IV.	75	204	1830	4 Feb.	23 July	105	856	18 March { Roman Catholic Relief Bill, 2 ^o - - - } 531
1 W. IV.	27	80	1830-31	26 Oct.	22 April	90	640	17 May - Jews' Relief Bill - - - 398
1 & 2 W. IV.	60	114	1831	14 June	20 Oct.	98	918	22 March { Reform of Parliament Bill, 2 ^o - - - } 608
								6 July - { Reform of Parliament Bill, 2 ^o - - - } 603

Veneris, 22° die Junii, 1832.

THE RIGHT HON. SIR ROBERT PEEL, BART., IN THE CHAIR.

Mr. *Francis Palgrave*, called in ; and Examined.

112. ARE you engaged under the Commissioners of Records in publishing the Parliamentary Writs and Proceedings?—I am so.

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113. And have you therefore examined into the subject?—I have.

114. Will you inform the Committee what you apprehend to have been the ancient course with respect to Petitions presented to Parliament?—The course adopted appears to have been, to institute such rules as should prevent the breaking in on the general principles of Parliamentary law, as such law then prevailed. The principle was, that no person should come before Parliament as a suitor, or trouble Parliament, if on the face of his Petition he could have right at home; if there was any other mode of obtaining redress, he was not to apply to Parliament; but that if either from the poverty of the petitioner himself, the power of his adversary, the insufficiency of the law, or any other similar cause, he could not obtain redress, then the Supreme Court of Parliament was to give him a speedy and effectual remedy; and which was distinguished from the remedy at Common Law, the term "Common Law" not being used quite in the confined sense that we give to it in the present day, but as indicating the ordinary mode of proceeding in the ordinary courts of justice. For the purpose of affording redress to Parliamentary suitors, Committees were appointed—I use the modern term, to designate what they were—of Receivers and Triers of Petitions. The Receivers appear usually to have sat in some place where they were accessible to the people; public proclamation was made, inviting the people to resort to the Receivers, and the Petitions were then handed to the Auditors or Triers, who examined them. Amongst the earliest examples of such proceedings, are those of the 33 Edward II and 6 Edward II.* If upon the face of the Petition the Triers thought there was no reason to come before Parliament, they rejected the Petition, by sending the Petitioner before the ordinary courts; if, on the other hand, on the face of the Petition they saw there was reason to entertain the prayer, they then gave him such remedy as the case required. In some cases, if it was oppression done to a poor man, they would transmit the Petition to the Judges who would go the next circuit, in order that the case might be tried before them, with the recommendation of its being thus transmitted by Parliament. They would remit the fine on the original writ, and they would give, beyond the ordinary power of the law, remedies, if there was reason to suppose that the sheriff would be guilty of partiality in returning a jury. Such was the course, when the power of Parliament as a remedial court was at its height, in the reigns of Edwards II. & III., as is evidenced by the general tenor of the Petitions and the Rolls. This course continued without any substantial variation until the time of Richard II. About that time the courts of equity, (which were originally poor men's courts, courts of conscience, intended for the relief of those suitors who really could not get redress elsewhere) gradually grew up. In proportion as this channel enlarged, the number of Parliamentary Petitions decreased. Equity continued to gain rapidly upon Parliament; and about the time of Edward IV., when equity was fully established, the remedial jurisdiction of Parliament wholly ceased; and it does not appear to have been revived to any extent, until the time of James I. I believe the House of Lords then began, to a certain degree, to revive their remedial jurisdiction. I have not attended so much to the latter period; but during the interval included between the cessation of the remedial jurisdiction of Parliament and the reign of Elizabeth, the different courts which we now call courts of equity—the Court of Requests, which met in Whitehall, which is now the House of Lords, and a very efficient tribunal for the counties beyond Trent, called "The Court of the President and "Council in the North,"—wholly supplied the place of the remedial jurisdiction of Parliament. This last court, "The Court of the President and Council of "the North," was found in practice to be so beneficial to the lower orders of the common

* Parliamentary
Writs, vol. i. p. 160,
No. 58; vol. ii.
p. 156, Nos. 17, 18.

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common people, that its suppression created a considerable degree of popular discontent.

115. At what time did the practice of addressing Petitions to the Privy Council arise?—The Privy Council, in a form approaching to its modern form, appears to have grown out of the ancient Council about the time of Richard the Second; and the practice of addressing Petitions to the Privy Council does not seem to have been established, I should think, before the reign of Henry VI.; that is, when I thus speak of the Priyy Council, I mean as a body clearly distinguished from Parliament; for up to that period the ancient Council was a branch of Parliament. I believe some Members of the ancient Council have writs of summons now. The Attorney and Solicitor General were formerly Members of the Council, and I believe they have their writs to attend the Upper House now; the Judges were Members⁹ of the Council; in fact, the ancient Council, as Lord Hale describes it, may be considered as a Committee of Parliament; a little Parliament within the Parliament.

116. What are the earliest Petitions on record?—The earliest Petitions in the Tower belong to the reign of Edward I.; before his reign I have reason to believe that parties came up from the shires before the Council, and sometimes in great numbers, or their complaints were communicated to Parliament by inquests, which were brought down by various Officers of the Crown; these inquests we may call examinations of witnesses.

117. Have you any trace of there having been delivered any of them in the first instance to the House of Commons?—Not clearly before the time of Henry IV., when you find it gradually creeping in, and in a very extraordinary and sometimes amusing manner; you find the Commons urging their Petitions, which are grounded upon the Petitions presented to them. I should be inclined to think that the interference of the Commons on behalf of Private Petitions was very much increased by their greater influence, and then at last it broke down in consequence of the Civil Wars.

118. Do you think no Petitions were presented to the House of Commons before the reign of Henry the Fourth?—I think not, as I can only trace one dubious and singular case before that period.

119. Are you acquainted with a book that was written by Elsynge, which is entitled, "The Manner of holding Parliaments in England"?—I am acquainted with it generally; I have not read it for many years.

120. There is a chapter which enters fully into the question regarding the Receivers and Triers of Petitions; and Elsynge says that in the time of Henry IV., few Petitions were directed to The King and his Council; some were directed to The King alone, some to the Lords alone, and some to the Commons; but I find no answers by the Commons; if they were Petitions of grace, the Commons wrote this inscription over the first line; "Soit balle as Seigneurs pur parler a Roy," or, "Soit parle a Roy per les Seigneurs;" can you make any observation on that?—Elsynge is probably correct; at the same time it is a point to be examined into, because the Petitions of the different Henrys are very often confused; but if he be correct, the Commons at that time did nothing more than act as transmitters of the Petitions.

121. Are you of opinion that the Receivers and Triers of Petitions were appointed by The King?—In some instances certainly; but in the appointment of the 6th Edward II., which I have already quoted, the examination appears to have been made by Parliament; "Concordatum est."

122. Have you traced in any manner at all satisfactory to yourself, the exact period at which the Lords and Commons sat in separate chambers?—I have not; it is extremely difficult to come to the exact period.

123. Probably in the reign of Henry V.?—At that period they must have sat separately.

124. Does not the confusion partly arise from their having occasionally sat separately and sometimes together?—It is very possible it may have been the case; the clergy, although speaking frequently as if they sat in Parliament at Westminster, were perhaps sitting at St. Paul's.

125. Are the Petitions which were presented in those early periods of our history, generally Petitions relating to matters of public concern, or Petitions relating to individual grievances sustained by the petitioners?—That is an important point; I should state that ninety-nine out of every hundred presented by individuals related to individual grievances; that there are a few rare cases in.

in which a complaint is made against a general law, but then it was a case where the general law was so mixed up with the particular case of the petitioner that the Petition must not be considered as a Petition against the abstract principle of the law, but only against the particular application of it to his own case. Communities, such as the inhabitants of a forest or a shire, petitioned more frequently against general laws.

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126. Do not you conceive that those Petitions which were presented to the House of Lords, were presented in their judicial rather than their legislative capacity?—The two capacities were so closely conjoined at that period that it is almost a distinction without a difference. Every order which the Parliament made upon a Petition was a special law for that time and turn. They went on the broad and general principle, “Parliament is to redress every grievance, “we will redress it by a general law if we think it expedient so to do; we will “cut the knot by a particular law, or an order applicable to your own case, “if that be not sufficient.”

127. Here is an important Petition said to be presented the 18th of Edward II. by persons who petition that they may let to farm the wastes belonging to their manors, which they hold of The King *in capite*, as well within forests as without, without The King's license first had, which Petition is endorsed, “Coram Rege;” The King's answer is, “Il ne peut estre fait sanz novelle ley, laquelle chose fere “la cominaltie de la terre ne vult mie uncore assentir;” have you anything to suggest with regard to that?—In the first place, the phrase “cominaltie de “la terre” had a different meaning to what it has now; it meant the whole community of the realm; whenever you meet that word “commonalty” in ancient proceedings, you must translate it a community, not the Commons.

128. What is the translation of that?—“This comes within the case I “have laid down; this remedy cannot be afforded without a new law; to do “which thing the commonalty of the land will not give assent.” It was a mode of getting rid of the Petition.

129. Generally that meant the legislative authority of the commonalty residing in the Lords and Commons, did it not?—Certainly it did; but it is The King turning them away civilly, by assigning as a reason, “The community will “not alter the law.” It is a gracious way of giving a refusal.

130. Elsynge says, the Masters in Chancery were uniformly appointed Receivers and Triers; do you know anything in respect of that?—In latter periods they were, but in earlier periods they took the Clerks of the Chancery. In order to prevent any misconception of the functions of the Clerks of the Chancery, it may be as well to understand that the Chancellor and his Clerks formed the secretarial department of The King, and whenever The King held his Great Court of Parliament, he called in his Clerks to assist at the proceedings.

131. Have you looked at the latter period of our history in reference to the presenting of Petitions, and when the Committee of Grievances was first appointed by the House of Commons?—I have not looked into it minutely. I have looked into it generally, and it is very evident that The House at that period made an attempt to come round to something like the ancient principle; but I have not examined that portion of our history minutely.

132. Elsynge says, that “none that were summoned to Parliament were “appointed Receivers, so none but they who were summoned were appointed “Triers of Petitions;” does your experience confirm that observation?—I doubt it, but I can ascertain it.

133. Were the Petitions of which you speak generally the Petitions of individuals, or did they bear the signatures of more than one individual?—Signatures are never found in ancient documents.

134. Is the name recited?—The name or description of the petitioner always appears; many of those Petitions are from communities, not a corporation in our modern sense of the term, which did not then exist, but from recognized communities; for instance, the great trading companies, the Italian companies of the Bardi and the Perugini, and all those trading companies. There is one class of Petitions that are puzzling; those are Petitions presented by the commonalty of a shire, and sometimes brought before a Parliament, and apparently not by the representative Members. There is one case of a county appointing an attorney to appear for them in Parliament for which they had regular representatives. *Parl. Writs*, vol. i. p. 186, No. 11.

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135. Just state the distinction between the Rolls of Parliament and the Journals?—The Rolls of Parliament are the Rolls of the High Court of Parliament in its mixed capacity of a judicial and legislative assembly. The Journals of the House of Lords certainly, and, as I conceive, of the House of Commons, were only the notes taken by the Clerk for his own convenience, in the first instance. Why the making up of the regular Rolls was discontinued, is a point which I have never been able to ascertain.

136. To what periods do the Rolls come?—The Rolls become more and more meagre in the reign of Edward IV., and cease, I think, in the time of Henry VII.

137. And what time do the Journals of the House of Lords begin?—Those in the Parliament Office begin with Henry VIII. There is a memorandum, that many of the papers had been taken away by the direction of Cardinal Wolsey; the first volume of the Journals of the House of Lords is evidently an unauthentic volume; it has evidently been in the custody of the officers of The House from about the time of its compilation; still it is not an authentic volume, a regular record. Introduced in it are documents relating to Edward the Confessor.

138. When do the Rolls cease?—With Henry VII.; but from Edward IV. you cease to have any Remedial Petitions entered on the Rolls. I must explain one point; our Private Acts of Parliament have arisen out of the old course; all the Private Acts are only the ancient Petitions for redress in a new shape. When a tenant for life petitions for a power of leasing, for instance, the Act is a special law made in form, but virtually a decree for the occasion, to redress a particular grievance, arising perhaps from the acts of the parties. Still, take it as you choose, it has the essence of a law.

139. Is that the “Privilegium?”—Yes, exactly so; and in consequence of the criminal jurisdiction having been entirely cut down by law, the practice of our modern Parliament in passing Private Bills, and granting powers of the before-mentioned description, are exactly the last remnants of the old Petitions for redress, where the ordinary court could not grant relief.

140. Are there many instances of Private Bills of that description?—They grew up imperceptibly. From the time of Henry IV. you find those applications gradually growing up into the regular shape of a Private Bill.

141. Are these Petitions recited at length in the Rolls of Parliament, or are they merely abbreviated?—In the printed Rolls of Parliament, a great many are printed at length; but the quantity which I have transcribed, and which are not printed, are much more numerous.

142. Are they on parchment?—All on vellum or parchment.

143. Written with ink?—Written with ink; and I believe in the early cases, generally taken down by the Clerk of the Parliament.

144. The originals, are they preserved?—The originals are preserved; many thousands.

145. From when?—From the time of Edward I., and perhaps a little earlier.

146. And down to when?—Down to Edward VI.

147. How did the party presenting a Petition act; was there any rule with respect to their being written on parchment?—Every Parliamentary document was written on parchment in the early reigns; paper was never used at that period; and by degrees, when the use of paper crept in, they used to sew the paper on the parchment, so as to give it a parchment back.

148. Did The House require parchment?—Very likely.

149. Do those Petitions appear to be written in a formal hand by some person in the habit of writing Petitions, or in the handwriting of the parties who presented them?—Probably very few of the parties could write; but there are a great many curious points about the Petitions; for instance, those which come from Wales are written in very bad French, and it is almost impossible to understand them, and evidently by persons not accustomed to the language; those which come from the nearer counties, I should think, from the look of them, were almost all written in The House. Proclamation was made that the parties were to prefer their complaint; a great many persons resorted to the place where Parliament was held, and a great part would come in as they do now to the Court of Conscience, and enter their plaints; I believe in the Sheriffs' Court and in Manorial Courts, the plaint is still preferred verbally to the steward, who reduces it to writing, and like all our pleadings originally, the

the party came into court and stated his case, and the clerk reduced it into writing.

150. Is the language used the language of strong remonstrance?—It is sometimes very strong.

151. Is there ever any note on that; any appearance of rejection on that account?—There is one very curious and extraordinary case; it is the case in the time of Henry VI., I think, in which a Petition, originally presented either to The King or to the Lords, was altered by erasures, which are very visible, so as to have the Commons joined also.* There is one very extraordinary case, of a private man presenting a Petition for what he called the redress of a public abuse; it was a man, using, I believe, a fictitious name, who presented the famous Petition, for the dissolution of all ecclesiastical establishments and the appropriation of the land to secular purposes.

152. In Henry the Eighth's time?—Much earlier; as early as the reign of Henry the Fourth; it is a very curious Petition; he calculates how many Earls and how many Barons and how many Knights could be maintained by the property of the Church; I found a full copy of the Petition.

153. Is that Petition printed?—I am not aware the Petition has been printed; the substance has.

154. What was the order on that Petition?—No order was made.

155. Is it in the Rolls of Parliament?—It is not; I found it in manuscript in the Museum. But although individuals did not present Petitions, they adopted another course, which may be, in the literal sense of the word, disseminating libels. In the time of Edward II. when parties ran very high, a Parliament met at York, with a corresponding Convocation at Lincoln,† and an extremely strong remonstrance against the abuses of Government was thrown into the Chapter House, where the Clergy were sitting; the Clergy, who at that time were in opposition, took it up, and inserted it very carefully in their account of the proceedings; and it induced them to refuse the grant of an aid demanded by The King. Belonging to the reign of Henry VI. I did find in the Tower a kind of seditious ballad, affixed to the door of the Chapter House, where the Commons were sitting; it was in this manner that individuals called the attention of Parliament to public grievances, but communities preferred Petitions against public grievances in a more regular way.

156. Is there any instance of petitioners being punished for wording their Petitions in too strong language?—I am not aware that there is any instance.

157. When was the first complaint of tumultuous Petitions?—I am not aware of any prior to Charles I.

158. Do you recollect whether there was a reference in the year 1610 to the Committee of Privileges, to consider how to prevent the preferring of grievances like Pasquill's, and yet to preserve the liberties of The House?—No, I do not remember it. Before the invention of printing there was, as I have before stated, no other mode of propagating such opinions as the law terms seditious or libellous, except by literally disseminating them. Lord Coke puts it as an ordinary case; “If a man finds a libel, what he is to do with it; he is to bring “it to the next magistrate.” Finding a libel was a common case. We have ancient instances of libels put under a door, or laid in The King's wardrobe.

159. There appears this in the Journals, p. 43, vol. ii., “A Committee have power to examine a Petition found on Salisbury Plain,” and ordered to be burnt?—I do not know anything about that. Lord Coke also lays down a rule: “Petitions ought to contain necessary certainty and particularity, so as “a direct answer may be given to them.” It has often appeared to me in theory, although it may be said not to occur in practice, that the present course with regard to Petitions is a kind of anomaly. A case might happen of a person labouring under a real grievance, and not being able to find a Member to present his Petition; a case does occasionally happen of a person not having any real grievance, and employing a Member to present it, and so propagating a calumny; and the only mode by which this abuse could be obviated would be that Petitions, instead of being given to The House or to a Committee, that some officer of The House should receive them in the first instance, to see if they hold water, before they are brought before the Committee.

160. Would not that be appointing a Receiver of Petitions?—I do not mean to examine minutely into the case, but simply to see whether it does or not come within the line which is intended to be prescribed, and merely as a matter of theory.

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* Petition of John Attwood and Wife;
original in the
Tower.

+ 16 Ed. II. Parl.
Writs, vol. ii. p.

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theory. It is possible to suppose a person may have sustained a real injury from The Crown, and yet not have been able to bring his case before The House. With respect to the ancient jurisdiction of the Commons upon Remedial Petitions, which, as I have observed, began to grow up in the reign of Henry IV., in the most important examples the order took at once the shape of an enactment. The King grants the Petition, by advice of the Lords, upon the prayer of the Commons, whilst, in the very same Parliament, the Lords answer a Remedial Petition, not merely without the Commons, but, as it should seem, without The King.* The first Petition addressed to the Commons is printed in the Rolls of Parliament as belonging to 1 Henry IV.† But this is a mistake on the part of the Editors; it evidently belongs to the preceding reign of Richard II. The Commons do not give any answer to the Petitions, but insert it in a bundle containing ten others, and transmit the whole bundle to The King.

* Rot. Par. 3 Hen. 4.
vol. iii. pp. 484, 485.
† Vol. iii. p. 448.

R E P O R T

FROM

SELECT COMMITTEE

ON

P U B L I C P E T I T I O N S:

WITH

THE MINUTES OF EVIDENCE.

Ordered, by The House of Commons, to be Printed,

25 July 1832.

R E P O R T

FROM THE

SELECT COMMITTEE

ON THE

VICTUALLING ESTABLISHMENT

AT

CREMILL POINT.

*Ordered, by The House of Commons, to be Printed,
13 March 1832.*

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R E P O R T.

THE SELECT COMMITTEE appointed to inquire into the Circumstances relating to the Formation of the VICTUALLING ESTABLISHMENT at CREMILL POINT, and the Proceedings of the ADMIRALTY and VICTUALLING BOARDS thereon, and to report their Observations thereupon to The House, and who were empowered to report the MINUTES OF THE EVIDENCE taken before them to the House ;—HAVE examined the Matters to them referred, and agreed to the following REPORT.

THAT it appeared to Your Committee that the formation of the Works for completing a Victualling Establishment at Cremill Point, was undertaken under the authority of an Act passed in the fifth year of King George 4th, cap. 49, which empowered the Commissioners for Victualling His Majesty's Navy to purchase the necessary Ground and erect the required Buildings.

An Estimate for completing those Works was given by Sir John Rennie, dated 13th December 1824, which was submitted to Parliament, and sanctioned 1825, amounting to £. 291,512. This included all the Buildings, with a Brewery, Bakehouse, Flour-mill, and Machinery and other Works and Erections that were then considered necessary to form the intended Establishment. The agreement for the purchase of the Land had been made in 1823 ; and it appears that the sum of 28,675 l. 3s. 11d. had been paid for this particular object, previous to any Vote having been submitted to Parliament. Your Committee are aware that a necessity exists for making the purchase of Land contemplated for public purposes with as much privacy as possible, and that the interests of the Public are best consulted by carrying on such negotiations before it can be generally known for what purposes such Land is required. From the year 1823 to the end of the year 1830, the sum of 249,441 l. 17s. 6d. had been expended, although no more than 74,000 l. had been voted ; so that a sum amounting to 175,441 l. 17s. 6d. had, during these years, been expended on this Work, beyond the amount submitted to the consideration or sanction of Parliament. These payments were all made (as was then the practice) from the Surplus of the sums voted by Parliament for general purposes, according to the Estimates submitted by the Victualling Board.

Your Committee cannot but express their disapprobation of this practice ; but as directions have been given by the Board of Treasury, in conformity with the recommendations of former Committees, to prevent any recurrence of it, Your Committee does not consider it necessary to make any further observations, than by expressing their hope that these regulations will be as strictly enforced as may be consistent with the exigencies of the Public Service, and that any deviation from them should be communicated to Parliament with as little delay as possible.

Contracts were entered into on two occasions, for carrying on the intended Works by public Tender ; they were made with Mr. M'Intosh, who was in both

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instances considerably lower in his Tender than any other person : in the first he was 15 per cent. below ; in the second, namely, in the first division of the Sea Wall, he was 6 per cent. below any other. The remaining parts of the Works were carried on by Mr. M'Intosh under private Tenders ; every one of these Works, according to Sir John Rennie's statement, " was reduced lower than the former, in proportion to the fall of the prices of the day." As Mr. M'Intosh's Estimates had been so much lower than any others that had been given in, and as the Contract was made in detail and not in gross, subject to measurement and inspection by Sir John Rennie, acting under the authority of the Board, Your Committee have no reason to consider that any disadvantage occurred to the Public, in this instance, from such a mode of carrying on the Works ; they feel it, however, their duty to recommend that all Contracts should be submitted to public competition, unless any very particular circumstances occur to justify a departure from such a regulation.

Sir John Rennie's revision appears to have been effectual, and in some instances to have reduced the charges at first proposed by Mr. M'Intosh.

The Machinery was not provided by Contract but by private Order, without any Estimate. The Victualling Board gave their directions (under the authority which they received from the Admiralty Board, for the general purpose of carrying on these Works) to Messrs. Rennie, to provide the necessary Machinery and Steam Engines ; and they considered them responsible for the proper execution of their orders. The Messrs. Rennie gave the Plans, Drawings and Designs, and supplied the Machinery : the Steam Engines were ordered from Messrs. Bolton & Watt : and Sir John Rennie states, " that it is indispensable, in order to have the Machinery perfect, and to make it work well with the steam engines and boilers, that one person should have the superintendence and the responsibility of the whole :" for the further reasons alleged by him, Your Committee beg to refer to his Evidence.

The same system of providing the Machinery was adopted at Deptford Flour Mill, as well as at Clarence Yard, at Weevil. The whole when finished at both these places were inspected and approved of by Mr. Goodrich, engineer and mechanic at Portsmouth, by Mr. Kingston, the master millwright, and Mr. Taylor, surveyor of buildings at Somerset-house ; and this same system was intended to have been pursued with respect to the Works at Cremill. The Machinery at both places was furnished by Messrs. Rennie, and is stated to have been very perfect and excellent in its quality, and as serviceable now, in every respect, as when at first finished.

It is no doubt extremely difficult to give in Estimates of the probable expense of Machinery, when such Machinery is of a novel description : but Sir John Rennie states, that as the Machinery purported to be erected at Cremill was similar to that already put up at Deptford and Weevil, it was practicable to obtain an Estimate of the probable amount that might be incurred at Cremill. Sir John Rennie states, that as the moulds and casts for different pieces of Machinery were the same at Deptford as those intended to be used at Cremill, a saving of 5 per cent. was made in favour of the Public in consequence of the Machinery being provided by the same persons who were employed at the other places : he also informed Your Committee, that he carried on Works for private individuals and great Companies on the same system, both in the West India Docks, and in the erecting a large Flour Mill at Wandsworth.

The Messrs. Rennie are partners in business ; but it is stated to your Committee that Mr. George Rennie is considered at the head of that branch of their common business which has reference to Machinery ; and that Sir John Rennie is employed only as an Engineer and Superintendent of Engineering Works.

If

If Sir John Rennie had been employed as Superintendent to report on the Machinery supplied by Messrs. Rennie at Cremill Point, Your Committee would have thought it proper to have expressed their disapprobation of such a proceeding; but it is stated in the Evidence, that it was not intended so to employ him, and that the Machinery would have been inspected and reported on by persons officially employed by the Government.

Sir John Rennie received no commission, either on providing the steam engines, or any per centage on the money laid out on any part of the Works during the time they were in progress: on the contrary, he states, "that they themselves provided the steam engines from Messrs. Bolton & Watt, and furnished the whole of the money, to the amount of 14 or 15,000*l.*; that they had all the responsibility of the erection of them at Deptford and Clarence Yards, without charging the Victualling Board a single fraction, for the interest of their money, for their time, or their superintendence." He was paid by the time employed by himself and assistants upon the drawings, estimates, and specifications and superintendence, with the usual charges for travelling expenses, at the same rate as when employed by private individuals.

In answer to directions given to Sir John Rennie by Sir James Graham, 8th January 1831, Sir John Rennie states in his letter of the 20th of the same month, that 106,530*l.* would be required to complete the Buildings at the Cremill Point Establishment. In the September following, the Board of Admiralty found that a further sum of 41,792*l.* was required for the machinery and other items. When called on by the Victualling Board, in compliance with directions from the Board of Admiralty, for a further explanation of this deviation from his original Estimate, Sir John Rennie states, that the Estimate delivered on 20th January 1831, of 106,530*l.*, was not intended to include the Machinery; that he understood that Sir James Graham required to know what sum would complete the whole of the Contracts which the Board were bound to fulfil, because it was undecided whether the Machinery would be continued or not: Your Committee must, however, call to the attention of the House, the fact that the Machinery was included in the original Estimate delivered in by Sir John Rennie on 13th December 1824; and at the same time to state their opinion, that the circumstance of the original Estimate, which included Machinery, having been made by the same person who delivered in the Estimate of 20th January 1831, might naturally have led the Board of Admiralty to suppose that everything that would be required was included in the last Estimate, made in pursuance of their directions of 8th January 1831; and is a reason why the Admiralty Board did not order a more detailed and specific Estimate to be transmitted to them than was contained in Sir John Rennie's letter of the 20th of that month, in which a large excess of 33,693*l.* appeared to be required, over and above the original Estimate.

Your Committee beg to declare their opinion, that after examining into the present state of the Contracts which Government is bound to perform, and the advanced progress made towards the completion of the Machinery, and of the Buildings adapted to its reception, they coincide in the views taken by Sir John Rennie and Mr. Watt, that it would be most advantageous to the Public Service that the arrangements contemplated to perfect the Establishment should be carried on and concluded.

LIST OF WITNESSES.

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Mercurii, 7^o die Martii 1832.

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MINUTES OF EVIDENCE.

Luna, 5^o die Martii, 1832.

SIR M. W. RIDLEY, BART. IN THE CHAIR.

Marshall Waller Clifton, Esquire, called in ; and Examined.

1. YOU are Secretary to the Victualling Board ?—I am. *M. W. Clifton, Esq.*
2. When did the Act of Parliament pass authorising the building of Works at Cremill ?—It is the 5th of George the 4th, c. 49, dated the 3d of June 1824.
3. There appears, in the return of money paid, to have been 104*l.* paid in 1823?—Yes.
4. That was prior to the passing of the Act ?—Yes.
5. For what purpose was it paid ?—I have not got the details with me ; it was one of the preparatory expenses for the purchase of the land.
6. Now in 1824, there appears 28,573*l.* paid, although no sum had been voted by Parliament ; for what purpose was that paid ?—That was paid for the purchase of the messuages, lands, tenements, hereditaments and premises.
7. At what date was that payment ?—It was in the course of the year 1824.
8. Before or after the passing of the Act ?—I should apprehend it was not actually paid till after the passing of the Act, but many of the agreements for the purchase of these premises were necessarily made before the passing of the Act.
9. Why necessarily ?—As soon as Government had determined upon the establishment of a victualling-yard at Cremill, the Chairman of the Board was authorised to commence a negociation for the purchase of the premises which were deemed necessary, by the first Lord of the Admiralty.
10. Now speaking of authority, do you mean the authority of the Admiralty Board direct ?—I conceive so.
11. Now do you know whether all those sums that are stated to have been paid, to the amount of 249,441*l.*, or any of them, have been paid by the authority of the Admiralty, by orders direct from the Admiralty ?—Not a specific order in each case, but under the general sanction and general directions given by the Admiralty for the construction of such a work.
12. The Admiralty authorised you to enter into contracts for the execution of particular parts of the works proposed to be executé?—Yes.
13. And the payments were made, according to the terms of that contract, as the contractor had completed portions of his works ?—Exactly so.
14. In App. No. 3 it is stated that a contract was entered into, on the 15th of July 1824, for certain works ; do you recollect what the amount of that contract was ? have you any list, in fact, of the amount of these separate contracts with you ?—No, I have not ; because I should mention that the contracts for building those works had been taken at certain sums for each description of work which they contained, not a specific sum for the performance, generally speaking.
15. In what way was that contract made ; was it made by public or private tender ?—By public tender.
16. By whose authority ; was it by the authority of the Admiralty ?—Not an express order, in that individual case. The Admiralty having directed that we should take measures for the execution of these works according to the plan approved by their Lordships, the Board took their own measures ; they did not go in every case to the Admiralty for authority, it was not necessary.

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17. Have you any written authority in the Victualling Office for making those contracts, and carrying them into effect?—Yes; a specific order from the Admiralty for proceeding with the works. The orders are most numerous.

18. Will you state the first order the Victualling Board received respecting these works?—The 3d of February 1823 is the first letter that I have, and I believe it was the first which was received on the subject. It contains reasoning why Cremill was preferable for the formation of a victualling establishment to Southdown, Turn Chapel, and various other situations that were proposed.

19. What is the first order the Victualling Board received from the Admiralty to take measures for erecting these works?—The Admiralty order is dated the 20th of September 1823; viz. “Having by our secretary’s letter, of the 3d of February last, informed you, with reference to the formation of a new victualling establishment at Plymouth or its neighbourhood, and to the proposition for the erection of a brewhouse and a cooperage at Cremill Point, with suitable wharfs, in the first instance, and ultimately removing there the whole victualling establishment; that it appears to us, that in consequence of the superior advantage of that situation, that with the exception of one point, namely, the supply of water, the decision of the questions must depend on the amount of the expense to be incurred; and therefore directed you, if the result of the inquiry respecting water should be satisfactory, to employ Mr. Rennie, with the assistance of Mr. Hobbs and Mr. Adams, to prepare a plan and estimate of the expense of forming the proposed establishment at Cremill. And whereas, by your letter of the 24th of July last, you have represented to us that you had lost no time in communicating with the corporation of Plymouth for the purpose of ascertaining positively whether they could supply a sufficient quantity of water for all the objects intended, and that having fully satisfied yourselves on this point, you had directed Mr. Rennie to proceed to Plymouth and carry our directions into effect; that the Chairman of your Board and Commissioner Edgcombe at the same time proceeded thither also; and in transmitting a copy of their report, you have stated, that in consequence of their having so fully and clearly detailed their proceedings, and the views they entertain generally, in which you perfectly coincide, you think it unnecessary to add any observation thereto, except with regard to its having been found impracticable to carry into effect our suggestion for obtaining additional stowage-room by the excavation of caves along the face of the Cremill Hill. You have at the same time enclosed a copy of Mr. Rennie’s report, with the plan therein referred to, and the estimate of the expense of carrying the same into execution; amounting, exclusive of the purchasing of the ground, to 126,339*l.* for the works proposed to be in the first place undertaken, and to 267,741*l.* for the whole; observing, however, that in the estimate Mr. Rennie does not include the additional sum of 16,000*l.* which would be incurred if the basin proposed to be constructed should be a wet instead of a dry basin, which expense however you are of opinion it would not be expedient to incur. And whereas we have, after the fullest consideration of the report contained in your letter, deemed it expedient to submit the same to the consideration of the Lords of His Majesty’s Treasury, together with a statement of the various propositions which have been made on the subject of the formation of a new victualling establishment at Plymouth; and having at the same time pointed out to their Lordships the advantages to be derived by adopting that of forming it at Cremill, and the extent of the works we propose in the first instance to be proceeded with, we transmit to you herewith for your information a copy of our communication to the Treasury above alluded to, together with a copy of Mr. Harrison’s reply thereto, signifying their Lordships’ concurrence with our propositions. And we do therefore hereby require and direct you in the first instance to take immediate measures for the purchase of the ground at Cremill from the Earl of Mount Edgecumbe, intended for the site of the new victualling establishment, and for completing the agreement with the corporation of Plymouth for the supply of water, and also for the purchase of the field in which it is proposed to construct the reservoir: and further, to instruct your solicitor to prepare the draft of a Bill to be submitted to Parliament regarding the water, and to empower the Crown to purchase up the leasehold interests now existing on the ground at Cremill Point proposed to be purchased, in case those interests cannot be bought up by private contract.”

20. Now read the enclosure in that letter; the letter from the Admiralty to Mr. Herries, of the 11th of August 1823?—“In transmitting to you, for the information of the Lords of His Majesty’s Treasury, the accompanying copies of a letter from the Victualling Board, and of a joint report from the Chairman of that Board

Board and Commissioner Edgcombe, as well as of a report and estimate by Mr. Rennie, dated the 23d and 24th of July last, I am commanded by my Lords Commissioners of Admiralty to request you will state to the Lords of the Treasury that the situation of the victualling establishment at Plymouth has for a considerable number of years engaged the attention of their Lordships and their predecessors; and so long ago as the year 1802, the proposal now about to be submitted was suggested and recommended by Earl St. Vincent, and other members of the Board of Admiralty at which he presided, at their visitation at Plymouth. Those establishments are at present dispersed in a manner most inconvenient to the public service, as will appear by the accompanying chart of Plymouth Sound and its vicinity.

1st. The slaughter-house is at the spot marked *A.* in red ink on the chart; where it is proposed to concentrate the whole establishment as described in the accompanying papers. 2dly. The storehouses and bakery are at *B.*, at the entrance of the harbour at Catwater. 3dly. The brewery and cooperage are at *C.*, at South Down, in a creek accessible only with a considerable rise of the tide, and distant about three miles on the opposite side of the harbour from the storehouses and bakery. 4thly. The flour-mill and granary is in another direction, near or in the town of Plymouth: with only one set of superintending officers. The evils of such dispersed premises can scarcely be calculated in point of expense, though they are sensibly felt in other respects. It now becomes unavoidable to adopt some alteration, in consequence of the tenure on which the cooperage is held, viz. on the single life of His present Majesty: these premises are the property of Lord Clinton, and in consequence of the protracted litigation between his Lordship and the Marquis of Cholmondeley; no effectual steps could be taken for improving the tenure under which they are held; and as it was not thought advisable under these circumstances to expend any money in repairs, beyond what was unavoidable for keeping them in a state barely fit for use, the buildings are in a condition that would require a large outlay, besides the purchase-money demanded by Lord Clinton in the event of their being sold to the Crown. The Lords of the Treasury will observe by the accompanying papers that the total estimated expense of such repairs and purchase is 102,000*l.*" (And I should mention there that that was the reduced estimate; for Lord Clinton first of all asked 100,000*l.* for the purchase.) "Another proposal has been, to purchase for the brewery and cooperage some property belonging to the Earl of Morley, marked *D.*, at Turn Chapel, in the harbour of Catwater, not very distant, but on the opposite side of the harbour from the present storehouses and bakery. The estimated expense of converting those premises into a brewery and cooperage, subject also to a doubt as to the adequate supply of water, is nearly 100,000*l.* The only other proposal, and the adoption of which my Lords decidedly concur with the Victualling Board in recommending, is, to purchase some ground of the Earl of Mount Edgecumbe, at *A.*, at Cremill Point, in the lower part of Hamoaze, which the Lords of the Treasury will observe is a centrical and most eligible situation, and to erect thereon a brewery and cooperage, with a suitable and convenient wharf; and with a view of hereafter concentrating, whenever it may be deemed expedient, the whole victualling establishment at Plymouth on the spot. The expense of the brewery, cooperage, wharf, &c. is estimated, after making certain deductions as stated in the accompanying papers, at 144,000*l.*"

21. Now how do you explain the difference in the estimate stated by the Board of Admiralty to the Treasury on the 11th of August of 144,000*l.*, as compared with the estimate you have just read in the letter of the 20th of September, of 267,000*l.*?—The 144,000*l.* had reference to the lesser establishment; it referred to that part of the establishment which was intended at that time to be carried into effect.

22. Was a statement made to the Treasury after the 11th of August, asking the approbation of the Lords of the Treasury for a more extended plan, which was estimated on the 20th of September to cost 267,000*l.*?—Yes.

23. Was the larger sum stated to the Lords of the Treasury?—Yes.

24. In what document?—I think in about the year 1829 or 1830.

25. No; but between the 11th of August 1823 and the 20th of September 1823?—I am not able to speak to that point, because I was not then in the Admiralty, and we had no communication at the Victualling Office of such a communication having been made by the Admiralty to the Treasury.

26. Then the only communication you had at the Victualling Office was, that at the Treasury it appears to have been stated on the 11th of August that the outlay would be 144,000*l.*, to which the Lords of the Treasury gave the consent

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requisite under a minute of the Treasury, and that in September the larger estimate of 267,000*l.* was approved of by the Admiralty, but whether with or without the concurrence of the Treasury you do not know?—This letter to the Treasury transmitted, I apprehend, Sir John Rennie's report, which contained the two estimates; the Admiralty, if I understand it right, only recommended to the Treasury at that time the carrying into effect the lesser establishment. The Treasury letter is—

27. What is the date of that?—11th of September 1823; viz. “Having laid before the Lords Commissioners of His Majesty's Treasury your letter of the 11th ultimo, respecting the proposed new victualling establishment at Plymouth, I am commanded to acquaint you for the information of the Lords of the Admiralty, that upon a consideration of this very important subject, and adverting to the advantages which must ultimately result to the public service from having the whole of the victualling establishment at Plymouth concentrated upon one spot, my Lords entirely concur with the Lords of the Admiralty in opinion that it will be expedient to purchase Cremill Point as the site for the proposed establishment; and they further concur in the propriety of proceeding gradually with the several works which may be required, in the manner suggested by the Lords of the Admiralty.” Then on the 20th of September we got our orders.

28. Between the order you received in September 1823, and the passing of the Act in 1824, how much money was paid or contracted for?—I apprehend that nothing but the purchase of the premises as sanctioned by that order; the whole of that 28,000*l.* was for the purchase of the premises; the total cost of the premises, and the expenses, including solicitor's bills and everything else, has been about 36,000*l.*

29. How many acres were purchased?—The present site of the yard is about 16 acres.

30. It cost 36,000*l.*?—That included every existing interest: there were many buildings upon it; there were rope-walks, and many buildings of that sort, in addition to what was purchased from Lord Mount Edgecumbe,

31. What was the amount paid to Lord Mount Edgecumbe?—I am not prepared to state positively off hand; I believe about 15,700*l.*

32. What was the sum total paid for the purchase?—It amounts to about 36,000*l.*

33. When was that money paid in the course of what year?—£. 28,000 in 1824, and the rest in the course of the two following years. Bewes's field was purchased.

34. Was there any money laid out on the contract of the 15th of July 1824?—The reservoir and pipes were constructed.

35. When was it paid for?—I have not got the dates of every payment; the total sum paid for the reservoir in Bewes's field, and the pipes to the hospital and yard, was 7,967*l.*; a very small part of it was paid in that year.

36. Are the Committee to understand that the work so projected was approved of by the Admiralty and by the Treasury before the Victualling Board took any measures for carrying it into effect?—Entirely.

37. You said the payment in 1824 was authorised by the First Lord of the Admiralty; what order have you at the Victualling Board of that fact?—I know the fact, and I can produce to the Committee reports in which the circumstance of the First Lord of the Admiralty having directed the Chairman of the Board to take measures for negotiating the purchase of the land is adverted to. This order itself sanctions the purchase; this order of September 1823: but there was a confidential letter from Lord Melville to the Chairman, when it was decided that the victualling establishment should be on this spot, that he should take measures, if possible, to get possession of some of the land before it was known that it was necessary to carry it on. It is adverted to in one of the reports transmitted to the Admiralty.

38. Then are the Committee to understand that the contract for the purchase of the ground at Cremill Point was made before ever any proposition was submitted to Parliament respecting it?—I should conceive so, decidedly; no doubt of it, because it is here adverted to in the Act: it says, “It is necessary, for completing the establishment, that powers should be given to the Commissioners for victualling His Majesty's Navy to purchase for and on behalf of His Majesty, his heirs and successors, and to take and use for the public service, all such lands, messuages, tenements, hereditaments and premises, situated at Cremill Point aforesaid, or within

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within the peninsula of Cremill, as the said Commissioners shall have contracted to purchase, or as they shall think necessary and required for the public service."

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39. Then the purchase was not finally completed till after the passing of the Act of Parliament?—Certainly I should apprehend that some of the purchases were actually completed under the authority given by the Admiralty of the 20th of September 1823; whether the money was actually paid and the deeds executed before the 3d of June 1824, I am not able to state.

40. Are you able to state from what monies that contract price was paid, that 28,000*l.*?—Yes; from monies voted generally for victualling services.

41. Was that conformable to the then existing practice?—Yes, it was.

42. Now in what way was the first contract entered into for the reservoir, dated the 15th of July, and the contract of the 23d of September 1824?—All the first contracts were made in the same way, namely by public tender; the three first contracts.

43. Was any notice given to the public by advertisement of the works required?—I am not quite certain whether it was by advertisement; I think it was; or it might have been, according to Sir John Rennie's suggestion, by calling on certain great houses for tenders.

44. Is that the manner in which the other contracts for these works have been made?—No. I should explain to the Committee, that after it had been twice or three times put up to public tender, and Mr. M'Intosh on each of those occasions was the lowest, it was decided as most advantageous to the public interests that he should still be employed on the other works, rather than go to public tender again. There were several reasons for that course: in the first place, having been the lowest always, his then price was of course lower than other persons at that moment would have executed the works for; and having railways, machinery, cranes and so on, and every other implement upon the premises, he necessarily could execute it cheaper than any one else; and therefore on each succeeding occasion he was put in communication with Sir John Rennie, who fixed the price at which he was to perform each separate work.

45. Without any competition with others?—Without competition with others, except on the two or three first occasions.

46. Now look at that paper [*handing a Paper to the Witness*]; is that a correct statement of the different contracts made by Mr. M'Intosh on the different dates?—Yes, it is.

[A copy of the Paper is as follows:]

WORKS AT CREMILL.

Contracts with Mr. H. M'Intosh.

15 July 1824.	Reservoir and water-pipes at Cremill - - - - -	Advertised for.
23 Sept.	- For constructing a wharf or sea-wall for the intended Victualling establishment at Cremill - - - - -	Advertised for.
30 Nov. 1825.	For increasing the present Hard or landing-place at Stonehouse Pool - - - - -	Private.
-	- For making a road from the Ordnance premises at Cremill Point to the road leading to Durnsford- street, Stone - - - - -	Private.
16 Feb. 1826.	For the removal of the rock at Cremill Point - - - - -	Private.
-	- For excavating and constructing the main sewer in the intended Victualling-yard at Cremill - - - - -	Private.
1 Aug.	- For the construction of a reservoir on the top of the hill at Cremill Point, and of a retaining wall against the upright surface of the rock - - - - -	Private.
9 Oct. 1827.	For constructing a basin and landing-stairs at Cremill -	Private.
17 Nov.	- For the foundation of the long storehouse at Cremill -	Private.
4 Nov. 1828.	For the erection of the long storehouse, foundation for the proposed brewhouse, and sea-wall, basin and stairs at Cremill - - - - -	Private.
3 Sept. 1829.	For quadrangular stores and officers' offices, foundation of the intended flour-mill, bakehouse, storehouses and slaughter-house at Cremill - - - - -	Private.
18 Mar. 1830.	For the erection of a building for a brewhouse at Cremill - - - - -	Private.

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30 Aug. 1830. For the erection of the main entrance, colonnade, porter's lodge, warden's house, slaughter house, guard-house, engine-house, beef and vegetable store, and cattle shed at Cremill } Private.

- - - For tunnel and landing-place in Firestone Bay, Cremill, Private.
20 Nov. - For cooperage, flour-mill, bakehouse and officers' houses at Cremill } Private.

47. How many contracts were entered into by Mr. M'Intosh for different buildings or works ; how many are there ?—Fifteen I have here on this paper.

48. What is the sum total of those ?—They are not all yet completed.

49. Now how many of those 15 were by public, and how many by private tender ?—It appears by this paper that there were but two by public tender, but I think there was a third ; there certainly were three, because the removal of the rock was, I think, by public tender, which I do not see here ; the first was the reservoir and water-pipes, the 15th of July 1824.

50. That was advertised for ?—Yes.

51. Well, what is the next ?—For constructing a wharf or sea-wall, 45,351.

52. Was that by public or by private tender ?—That was by public tender ; and the removal of the rock, according to my recollection, was by a public tender.

53. Well, with that exception, were the rest by private bargain ?—Yes, I should say, with one other exception, not a material one, the landing-place or ordnance-road.

54. Now is not the making of a private contract a departure from the established rule of the Board ?—As a general principle, the Board of course make their purchases by public contract.

55. Was the authority of the Admiralty obtained for sanctioning in these 12 cases the departure from the established rule with respect to Mr. M'Intosh ?—I think it was reported to the Admiralty, but I cannot positively state now ; they were certainly made acquainted with it, they were consulted in every part of the proceedings.

56. Is there any authority at the Victualling Office in writing from the Admiralty sanctioning the departure from the established rule ?—I do not find any authority from the Admiralty for it.

57. Was the departure from the usual practice discussed at the Victualling Board, and if so, is there any minute of the result of such discussion ?—It was discussed over and over again ; I have no hesitation in saying, frequently that the question was under the consideration of the Board, and I think it came before the Board in a letter from Mr. Rennie. I know of no other instance of works being carried on similar to those of Cremill except those at Clarence yard, and in that case certainly the same principle was acted upon.

58. Of doing it by private tender ?—Yes ; that is to say, after the first tender fell to a certain person, his price being the lowest.

59. Having first fixed on the builder, you went on to contract with him only ?—Yes ; Mr. Rennie deciding the price.

60. Was your contract made at so much per foot for building, so much per load for stone, and so much per load for mortar ?—Yes.

61. And that course was pursued through the different works in which Mr. Rennie made his contracts with Mr. M'Intosh ?—Yes.

62. How does the principle of legal measurement for building apply to constructing a basin ?—Precisely the same ; there was so much for the excavation of the rock, and then so much for the ashler (that is the stone that is faced), and so much for the rubble work.

63. The making of a road, how does that apply ?—I believe that is the other work I adverted to just now as having been specifically contracted for.

64. Was there anything in the nature of this work, the construction of this road, which rendered it easier for Mr. M'Intosh to execute that work than any other person ?—I should have no hesitation in saying that he obviously could do it better than anybody else, because he was bound to cart off a certain portion of the rubbish ; a certain portion of the rubbish belonged to the Victualling Board, for which they were to find a place of deposit.

65. Now the next contract, the 16th of February 1826, that was done by private contract, was it not ?—The excavating the rock ?

66. Yes ?—I think there were certain persons called upon to give tenders in that case.

67. Is

67. Is not that in the Paper that was handed to you?—Yes; but I stated M. W. Clifton, Esq.
 I thought that must be wrong, for it occurred to me that the removal of the rock
 was not by private contract. The Admiralty was consulted, if my memory is right
 upon that point, respecting the rock. Here is a letter from Mr. Rennie to the
 Victualling Board on the subject of the rock: “In consequence of your honourable
 Board's directions communicated to me at various meetings (at several of which
 Mr. M'Intosh was present), relative to the most proper mode to be adopted in
 removing the rock at Cremill Point, I have maturely considered the whole, and
 have had many subsequent discussions with Mr. M'Intosh upon the subject, and
 I now beg leave to report the result for your determination. The question of
 removing the rock at Cremill Point is one of considerable importance, and may be
 chiefly considered in two points of view. First, for your honourable Board to re-
 move the whole of the rock, paying a certain sum per cubic yard for the labour, and
 reserving to yourselves the whole of the rock: Second, to give the whole of the
 rock to any respectable contractor for the expense of removing it, and to allow him
 to use such stone as might turn out fit for the purpose of building, in the different
 works which may probably be constructed at Cremill Point. With regard to the first,
 the expense of removing the rock would, in the first instance, amount to not less
 than 2*s.* per cubic yard, or to 21,300*l.* for 213,000 cubic yards, the quantity to
 be removed; and if the rock should turn out very favourable (of which there is
 considerable risk) the above sum would be repaid by the saving which would arise
 in the materials of the sea-wall, basin and buildings; if, on the other hand, the
 rock should turn out unfit for these purposes, proper stone must be procured else-
 where at a considerable extra cost. With regard to the second plan, at one time
 it was considered there would be no difficulty in finding persons at Plymouth who
 would be willing to undertake the removal of the rock for its own value, without
 any other charge; this, however, has proved to be incorrect: after much considera-
 tion the following plan, therefore, occurred to me, and has been agreed to by Mr.
 M'Intosh, and I herewith enclose his tender, viz. that he will undertake to remove
 the whole of the rock, and make the excavation for the reservoir, amounting to
 about 213,000 cubic yards, at the following conditions: That you shall agree to take
 from him,

15,000 cubic yards of rock, at 3 <i>d.</i> per foot	-	-	-	£. 5,062 10 -
60,000 cubic yards of rubble, at 2 <i>s.</i> per yard	-	-	-	6,000 - -
45,000 - ditto - of rubbish, at 1 <i>s.</i> 6 <i>d.</i> per yard	-	-	-	3,375 - -
46,500 - ditto - ditto - at 1 <i>s.</i> per yard	-	-	-	2,325 - -
				£. 16,762 10 -

being a total of 16,762 10*s.*; and that he will remove the remaining 46,500 yards
 at his own charge: by this means the cost of removing 213,000 cubic yards of rock
 will not exceed 1*s.* 6*d.* per cubic yard. If, however, you were to be compelled
 to obtain the above rock elsewhere, the ashler would cost at least 7*d.* per foot, or
 11,812*l.* for the whole 15,000 cubic yards, and the above quantity he agrees
 to furnish whether the rock will produce it or not. The rubble would cost 3*s.*
 per cubic yard, amounting to 9,000*l.*, and the rubbish 1*s.* 6*d.* per cubic yard,
 amounting to 6,862*l.*; in all amounting to 27,675*l.* It is true that there is little
 doubt of the rock producing one half of the above quantity of ashler, and the
 whole of the rubble and rubbish. I have only, therefore, made the above calcula-
 tions to show that the rock will nearly pay itself, of which I must confess I always
 entertained doubts. Upon the whole, therefore, under all the circumstances of the
 case, Mr. M'Intosh's offer appears to me fair and reasonable, and I should recom-
 mend it to be accepted. The quantity of rock has been assumed at 213,000 cubic
 yards, although rather below the absolute quantity, because in the first instance
 Mr. M'Intosh did not wish to undertake more; to this I should conceive there can
 be no objection, as the principle still remains the same.”

68. What is the date of that letter?—That report from Mr. Rennie is dated the
 11th of January 1826, and the Board's minute upon that letter was this: “The
 Board, after full consultation with Mr. Rennie hereon, determined to accept Mr.
 M'Intosh's offer, and Mr. M'Intosh was called in and acquainted so. Let a contract
 be drawn accordingly, and security to the amount of 5,500*l.* be required.”

69. What is the date of that?—The 11th of January; it was read at the Board
 on the same day; then on the 18th of January there was another minute upon it:
 “Refer draft of the contract to Mr. Rennie, for his correction and approval.”

M. W. Clifton, Esq. Now the impression upon my mind was, that there had been two or three tenders for the removal of that rock.

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70. What was the amount of that?—£. 16,762; but he was bound to supply 15,000 cubic yards of ashler, whether it produced it or not; but in point of fact it did not produce that quantity.

71. Had they any other check beyond Mr. Rennie's own opinion as to the fairness of the price?—There had been other estimates made before by Mr. Hobbs, a very experienced inspector of works, an engineer or architect; he was our inspector of works at Deptford; he had estimated the expense of removing that rock at a much greater sum; and Mr. Adams at Plymouth also made an estimate, and I think his estimate was somewhere about 30,000*l.*

72. Then in point of fact it was on a comparison of estimates that this was taken?—This offer astonished us at the time from its low price; we had no idea of getting it done for anything like that price; Mr. Hobbs's idea was that it would cost 45,000*l.*

73. Was Mr. Rennie in the employ of the Crown?—He was employed generally as the engineer for this department.

74. He was not a salaried servant?—Not at all.

75. How was Sir John Rennie paid for this?—He is paid the charge which he makes to us for drawing the plans and specifications; and upon any occasion of being sent to Plymouth, or engaged in making any specific report to the Board, he charges six guineas a day as his remuneration.

76. Is he paid by any per centage or commission?—Not in the smallest degree.

77. Are you aware whether Mr. M'Intosh had any co-contractors with him in that work?—I never heard he had, but I believe he had not, and I should say not; for in all the various communications during the ten years that these works were going on, I never heard of any sub-contractor being engaged in the execution of the works.

78. Are you aware whether Sir John Rennie had any interest in the performance of that contract at the time with Mr. M'Intosh?—It was impossible that he could. There are repeated instances in which Mr. M'Intosh and Mr. Rennie have been (to use a common expression) at cross purposes; Mr. Rennie has objected to prices, for instance, which Mr. M'Intosh had asked, and lowered those prices.

79. Before or subsequent to that time?—During that period; I should think I could turn to an instance. [*The Witness referred to a letter of Mr. Rennie's of the 15th of February 1826.*]

80. Have you any other report or estimate from any other contractor, or any other person, as to how far this was reasonable; did the Board take any means to ascertain that?—I do not recollect that they did, nor does it appear on the face of this minute that they submitted it to any one else. I should state here, that we have a resident engineer for superintending the execution of the works (Mr. Richards) at Plymouth, and our own inspector of works, Mr. Adams, a very experienced man, was also engaged in superintending; and many of these prices were submitted to them; and I have no doubt that in this case Sir John Rennie consulted them, as he did to our frequent knowledge in all those cases.

81. Is the inspector under Sir John Rennie recommended by him?—I believe that Mr. Richards's appointment did meet with Sir John Rennie's approval, but he was at that time employed under the Navy Board.

82. When was he first appointed?—In the very early part of the undertaking; I think he was recommended to the Admiralty, if I recollect right.

83. Is Mr. Richards a permanent officer?—He is an officer appointed for this specific purpose; we have an inspector of works of our own at Plymouth, but in a work of this magnitude it was considered necessary to have a resident engineer; and since that, as the works extended, an assistant to him.

84. Who recommended him first?—I believe it was on the recommendation of Sir John Rennie, but I am not quite certain as to that fact at this moment; I believe so; he was at that time and had been for several years employed under the Navy Board.

85. Under Sir John Rennie?—I am not aware; most likely he was, because Sir John Rennie was, generally speaking, the person employed as engineer. He was employed at Chatham at the moment he was appointed by us.

86. You have alluded to two estimates made by Mr. Hobbs and Mr. Adams; are you able to state whether Mr. Hobbs and Mr. Adams had opportunities of knowing the price at which any contractor would do the work, or whether it was only their own estimate?—They had consulted very much in the neighbourhood,

for

for an idea had been entertained by some of us that the rock might have been removed at no cost whatever; but they were sent down there, and they came to a very different conclusion.

M. W. Clifton, Esq.

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87. But did they ever advertise?—Decidedly not, they could not.

88. Had they any authority from the Board to make those inquiries, and to ascertain if the rock could have been removed at any cheaper rate?—Not subsequent (it would appear by Sir John Rennie's letter) to this tender of Mr. M'Intosh, but prior to that they made a calculation of what they supposed it would cost to remove the rock.

89. And was that calculation made under the authority and by the desire of the Board?—Decidedly so. I find Mr. Richards was recommended by Sir John Rennie; here is the letter; it is a letter from Mr. Rennie, dated the 21st of December 1824: “I have to acknowledge your honourable Board's letter of the 23d of October last, and have to apologize that absence from London has prevented me from replying to it long ago. In reply, however, I now beg leave to observe, that for the conduct of such extensive and difficult works as those proposed to be constructed at Cremill Point, I should recommend that, for the present, one general and experienced superintendent should be appointed, with an assistant for the operative department. There will also be required an intelligent accountant on the part of your honourable Board, to check the accounts and measurements. The person whom I should recommend to conduct the operative department is Mr. Philip Richards, a person of great experience and respectability in this line; and as his duties will be arduous, responsible and extensive, I should recommend him to be paid a salary of 400*l.* per annum, and to have a house to live in. With regard to the assistant, his services may be dispensed with until the works are more advanced, and I will inform your honourable Board when that period shall have arrived.” And the Board's minute upon that is the 23d of December: “Transmit copy of this letter to Mr. Croker, and recommend that we may be authorized to employ Mr. Philip Richards as the general superintendent of the works now carrying on by contract at Cremill Point, with the salary of 400*l.* per annum proposed by Mr. Rennie, and the use of one of the houses lately purchased at that place: add that it is our intention to direct Mr. Adams to check the accounts and make the necessary measurements, considering this duty as part of the extra services for which an additional salary of 150*l.* per annum has been assigned to him, until they become of great magnitude. We shall probably hereafter have to appoint an assistant to the superintendent, but at present such a person is not necessary.”

90. Now with regard to the next contract, for excavating and constructing the main sewer in the intended victualling yard; was there any particular reason why that should not be done by public contract?—I should conceive that it would have been impossible to have had two sets of contractors blasting rock and at work on the same spot and at the same moment. Carrying on this main sewer depended on the blasting away the main rock.

91. Was the material in the main rock used in making the sewer?—Certainly: first of all the space for the sewer to pass through was blasted out of the solid rock.

92. The main sewer was cut out of the rock?—Was in the rock.

93. Then the next, on the 1st of August 1826, for the construction of a reservoir on the top of the hill at Cremill Point, and of a retaining wall against the upright surface of the rock, is not that at some distance from the other parts of the work?—No, but a very yards from the edge of the abrupt rock. [*The Witness pointed it out on the Plan.*]

94. Does any peculiar reason exist for that which is outside of the wall being done separately?—I certainly do not suppose that there would have been any material objection.

95. What was the expense of that?—The total expense of that reservoir is 4,672*l.*

96. Then are the Committee to understand that all this money paid (249,441*l.* as appears in Account No. 5), that all that money has been expended on private contracts, with the exception of those two amounting to 50,000*l.* with the additional purchase of the land?—We got the purchase of the land in all cases at less than the estimate; we did not go to a jury in all cases.

97. But is that so, that all this money has been expended on private contracts?—Yes, unless it should prove that the impression on my memory is correct, that the removal of the rock was also by a public tender.

98. Now there is a contract here of the 27th of October 1830, for cast-iron pipes to different parts of the yard; in what way was that contract made?—That was

M.W. Clifton, Esq. was part of the original contract; that was a continuation in fact of the original contract for the reservoir and water pipes for Cremill, which were advertised for.

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There was subsequently a deviation with regard to the size of these water pipes; it was determined that for more conveniently watering the fleet, the pipes should be of a different size from that which was specified. The main object was that. The original intention had been only to have a six-inch main; and when tanks were introduced into such general use, it was considered better to have a nine-inch main, by which they could be supplied expeditiously, instead of merely the establishment: it was in fact a continuation of the original contract.

99. Now the steam engines, cranes and machinery for the brewhouse, mill and bakehouse; in what manner were these contracts made?—No contract was made for any part of the machinery or steam engines.

100. Were the orders given them by the Admiralty or by the Victualling Board?—The orders were given by the Victualling Board.

101. With the sanction and knowledge of the Admiralty?—The Board conceived so, under the general authority given to carry into effect the original estimate, which comprised both machinery for the brewhouse and for the mill.

102. Perhaps it would be desirable that you should put in and read a letter of the 30th of August 1830, from the Victualling Board to Mr. Croker?—This is the Victualling Board's letter to the Admiralty, dated the 30th of August 1830: "We request you will be pleased to inform the Right honourable the Lords Commissioners of the Admiralty that we have lately given orders for proceeding with the erection of the main entrance of the new victualling yard at Cremill Point, the slaughter-house, porter's lodge, warden's house and cooperage, and have agreed with Mr. M'Intosh for the execution of these works at prices considerably reduced from those of the early contracts; and that Messrs. Rennie have informed us that Mr. M'Intosh states that, provided he were to receive directions within three weeks from the present time for proceeding with the buildings of the flour mill, the bakehouse and officers' houses, he would be ready to make a further deduction of two-and-a-half per cent. from those prices. Messrs. Rennie have also informed us that, in addition thereto, the saving that would arise from completing these buildings at once, in economy of labour, professional services, taking advantage of the present cheap price of iron, which is upon the rise, and being thereby enabled to dispose of and to bring to account the old premises at Plymouth at least 18 months earlier than otherwise, would amount to nearly 4,500*l.*, making the total saving 10 per cent., not to mention the immense convenience and economy of having the whole establishment completed and at work so much the earlier: and under all the circumstances they have strongly recommended that these buildings be ordered to be put in hand without further delay, and that Mr. M'Intosh's offer be accepted. We therefore feel it to be our duty, as well for the sake of economy as for more speedily placing our department at Plymouth in a state of efficiency, most earnestly to recommend to their Lordships that we may be authorized immediately to proceed with the erection of the flour-mill, bakehouse and officers' houses at Cremill, agreeable to Mr. Rennie's proposal; and we beg leave to add, that if their Lordships should be pleased to consent thereto, we should propose that 15,000*l.* be inserted on the estimates for the ensuing year, on account of the new works at Cremill, which would only leave 25,000*l.* to be provided in the year subsequent, for the completion of the whole of the buildings, &c. of the yard, so as to place it in a complete state of efficiency as a victualling establishment."

103. What did the Admiralty answer upon that letter?—This is the Admiralty's letter; it is dated the 16th of September: "My Lords Commissioners of the Admiralty having referred to the Lords of the Treasury your letter of the 30th of last month, recommending, with a view to economy and to the expeditious completion of your premises at Cremill, that a proposition you have received from Messrs. Rennie be adopted, and that you be authorized immediately to proceed with the erection of the flour-mill, bakehouse and officers' houses, by which it is calculated that a saving of 4,500*l.* will be effected in the remaining outlay for these works; I am commanded to acquaint you that the Treasury have assented to your proposition, and to signify their Lordships' direction to you to proceed accordingly, inserting the sum of 15,000*l.* in the next year's estimates for the works at Cremill." And then upon that, our Minute was: "In consequence of these directions, the Board this day called Mr. M'Intosh before them, and signified to him that they accepted the tender made in his letter of the 24th of August 1830, in which he expressed his acquiescence, but requested that he might be immediately furnished with all such plans as would enable him to proceed in ordering the

different

different materials: direct therefore Messrs. Rennie to furnish Mr. M'Intosh *M. W. Cliftor, Esq.* immediately with the working drawings of the cooperage and other buildings included in the contract under minute of the 30th of August 1830; and forthwith to prepare and submit to us drawings and specifications of the flour-mill, bakehouse and adjoining store, and the officers' houses, in order that a contract for their construction may be prepared; and in the meantime, to furnish Mr. M'Intosh with all such working drawings and information as may enable him to provide materials for these additional buildings, it being the Board's intention to proceed with them as expeditiously as practicable. Let the necessary contracts be prepared accordingly, to be approved of and executed; when the plans are ready, acquaint Sir James Gordon; and that these Works may be proceeded with as soon as possible, and materials delivered for their progress, let 15,000*l.* be inserted on the estimate of next year for new Works at Cremill."

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104. Did the Board take any measures for ascertaining how far Mr. M'Intosh's offer was fair and regular, or did they act entirely on Sir John Rennie's letter?—Entirely on Sir John Rennie's letter.

105. Then when was the machinery ordered?—I have the date here, the 29th of September; that was simply a letter to Messrs. Rennie to direct them to take measures.

106. Now did you act in consequence of any order from the Admiralty?—Yes, this is the order; it is to put the establishment in a complete state of efficiency: the original Admiralty order for carrying the lesser establishment into effect, we conceived to be the authority for the machinery of the brewhouse, because the brewhouse was included in the lesser establishment; and this order, authorizing the completion of the establishment upon its more extended footing, and to place it in a state of complete efficiency as a victualling establishment, was the authority for ordering the machinery necessary.

107. Is there any letter showing what the amount of the machinery would be?—Yes, the estimate of 1824, which amounts to 291,000*l.*, includes machinery for the brewhouse and for the mill.

108. When you had ordered, as it appears you did, the machinery to be prepared, did you report the sum to the Admiralty?—I think not; I do not recollect that we reported any of our proceedings consequent upon this order to the Admiralty; there was no occasion to do it, in consequence of the order of 1830, which I have just read; it was a final order to us.

109. Did you consider that in the general sanction which had been given to you by the Admiralty Board, the Victualling Board was empowered to contract and order the machinery that was necessary to complete the buildings at Cremill Point?—Most undoubtedly: they direct us to take the necessary measures for putting it in a state of complete efficiency as a victualling establishment; the building could not go on without a part of the machinery being fitted into it.

110. Was there any specific mention made, in any of your correspondence with the Admiralty Board, as to the machinery, separate from the general arrangement of the whole?—The first mention that was made I think to the Admiralty of providing machinery, was made in a report from the committee of visitation, of the date of I believe 1826.

111. Can you find the minutes of that visitation?—Yes: if I recollect right it was either in May or September 1826; that applied to the steam engines: the Committee consider the steam engines I suppose as part of the machinery.

112. Do you consider the order for the steam engines to include the order for the machinery?—No: as I stated, the first time the subject was adverted to specifically in any communication to the Admiralty, was in the report of the committee, which I think was dated the 1st of May 1826, or in September 1826, in which it was recommended that one steam engine for the brewhouse should then be erected; the next was a Board's minute of the 3d of October 1828, for Messrs. Rennie to take immediate measures for providing machinery for the brewhouse at Cremill. I was correct with respect to the date of the report made by the committee of visitation of the Victualling Board, it was the 1st of May 1826, a copy of which was transmitted to the Admiralty on the 5th of May 1826, and their Lordships' attention specially called to the marginal observations which the Board had made upon it. They recommended that a steam engine of 20-horse power should forthwith be ordered for the use of the brewhouse. Then upon that, the Board's original minute, which I have here, is this: "Direct Mr. Rennie to take the necessary measures for providing a steam engine of 20-horse power accordingly." That

M. W. Clifton, Esq. minute was made the 5th of May 1826, and we gave the order to Sir John Rennie forthwith.

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113. Now when does he report to you he had taken measures respecting it?—On the 21st May 1826.

114. Read Sir John Rennie's letter?—"I have to acknowledge your letter of the 10th instant, informing me that the Board of Commissioners for victualling His Majesty's Navy desire that the steam engine for the proposed new brewery at Cremill Point may be ordered immediately, in order that no time may be lost when the building is ready: I beg to observe, that I shall give Messrs. Bolton & Watt directions to make a steam engine of the power of 20 horses, upon the most approved construction for this purpose."

115. Then did Bolton & Watt make the steam engine, so ordered?—Yes.

116. Then what is meant by the note here to the paper App. No. 3: "Steam engines ordered of Mr. Rennie?"—The order was given to Mr. George Rennie to provide it.

117. To Mr. George Rennie?—Yes. I should state, without any hesitation, that we have written to the Rennies without paying particular attention as to how we addressed them. Mr. George Rennie is the gentleman employed in the machinery and Sir John Rennie is the engineer; but yet, connected as they are, it does very frequently happen, in the course of correspondence, that we give directions to Mr. Rennie or Sir John Rennie.

118. What is the connection between the two Messrs. Rennie?—I presume them to be partners.

119. What is the relationship?—They are brothers.

120. In what concern do you presume they are partners?—I have no means whatever of knowing their concerns directly or indirectly, but I see that they do sign letters occasionally John and George Rennie. I would just repeat, I really have no knowledge whatever of their connection in business, whether they are general partners, or partners connected with particular points; but I presume them to be partners because we frequently receive letters from them signed John and George Rennie.

121. What concern do they carry on; have they not a manufactory in London?—I do not of my own knowledge happen to know it; I believe they have.

122. Of machinery?—Of machinery: they are millwrights, that is, I should apprehend Mr. George Rennie is; I have never communicated with Sir John Rennie on any subject personally respecting machinery, I have always desired to see Mr. George Rennie respecting machinery, considering that he was the millwright.

123. Did you ever see Mr. George Rennie on any subject relative to the engineering department?—I will not take upon myself to say, that during Sir John Rennie's absence, Mr. George Rennie may not have come to the office and said, "My brother is not in town; here is a letter, I cannot answer it very well until his return:" in that sort of way I may have seen him, but we have never consulted with Mr. George Rennie on any of the great works at Cremill Point.

124. You have received communications from him on the subject?—This just reminds me of a case similar to what I was mentioning; here is a letter from him, dated the 29th of September 1825; this is a sort of demi-official letter to me. [*The Witness read the letter.*]

125. Now after the report of the steam-engine being ordered of Bolton & Watt, is there any letter of Mr. George Rennie or Sir John Rennie's, stating from whom he had ordered the rest of the machinery?—There is a memorandum I have got of the 3d of October 1828: "Messrs. Rennie to take immediate measures for providing machinery for the brewhouse at Cremill."

126. Has that order been complied with; has the machinery been provided?—A part of the machinery for the brewhouse, which Sir James Graham counter-ordered, has not yet been delivered; the whole that was not made has been stopped, but the greater part of it has been furnished.

127. Now by whom was that machinery made?—By Messrs. Rennie or Mr. George Rennie; the house of Messrs. Rennie, certainly.

128. What prices were laid before the Board on the 3d of October, when they were ordered?—No prices.

129. Then was any price at all fixed?—Not at all.

130. Then was it left to Sir John Rennie to fix whatever price he pleased?—Sir John Rennie, except as the partner, if he be the partner of Mr. George Rennie, would have nothing whatever to do with it.

131. Have

131. Have any bills been presented for that machinery?—A claim has been presented of large disbursements on account. *M. W. Clifton, Esq.*

132. Presented by whom?—By Messrs. Rennie; when I say “Messrs.” I cannot distinguish them sometimes. 5 March 1832.

133. How much money has been paid on account of the machinery?—£. 12,000. They have supplied about 300 tons of machinery for Cremill; and having produced sufficient proof to us of their having paid for the engines, and being out of pocket perhaps 19,000*l.* or 20,000*l.* I think was the sum. We have done in that case as we have done in all others with them, from time to time made certain advances, and two sums of 6,000*l.* have been paid on account of machinery.

134. Was there any certificate on the part of Sir John Rennie, that that sum ought to be paid?—Sir John Rennie would have nothing to do with the machinery; nothing whatever; he was the architect for the building.

135. But have not you stated that Messrs. Rennie were directed to take immediate measures for providing the machinery?—When I stated that, I said, except so far as he might be a partner, which I know not whether he was a partner or not.

136. Will you read the letter of the Board, ordering them to do that; the letter of the 3d of October 1828?—The order is simply half a dozen lines; the Board's minute is simply this: That directions be given to Messrs. Rennie to provide the machinery. “I am commanded by the Board to signify their desire that you take immediate measures for providing machinery for the brewhouse at Cremill.”

137. To whom is that addressed; to George or John, or Messrs. Rennie?—This letter is addressed to John Rennie, esq. Stamford-street.

138. Did George Rennie carry on his business in Stamford-street?—Yes; and their letters are very frequently signed John and George.

139. Why were Messrs. Rennie employed by the Victualling Board to furnish the machinery?—I would say in answer to that question, that at the time it was determined to erect a flour-mill in Deptford yard the question was fully considered as to who should be employed to make the machinery; an intention at one time, or an idea I should rather say, at one time was entertained of working the mill by a large tread-wheel, and in consequence, a Mr. Penn, who had had great experience in the construction of tread-wheels, was consulted; but that idea was abandoned, and then it was determined—personally, for I happened to be present, and I think if Sir Robert Peel were here he would recollect the circumstance also; for that question led to a consultation with Sir Robert Peel, and he did not conceive that it would be expedient to collect so large a number of convicts as would be necessary to work machinery by a tread-wheel; that idea was in consequence abandoned, and it was determined, in Lord Melville's room, that Mr. George Rennie, considered the most able millwright or mechanist of the day, should be employed for that machinery: he was so employed, and that machinery was most excellently executed undoubtedly; up to the present moment it has scarcely ever wanted any reparation.

140. How many years has it been at work?—About three years.

141. What was the price; do you recollect the amount?—I cannot speak off hand.

142. How was the bargain made with Mr. Rennie for that?—It was made precisely in the same way as the present. The order was given to him to furnish the machinery: most accurate accounts were kept by our officers of the yard as to the day work of all the persons employed; they were subjected to the same regulations as our own men, which they objected to very much at first, but we enforced it. On the final delivery of Mr. Rennie's bill for the machinery, the surveyor of naval buildings, and Mr. Goodrich, the mechanist of Portsmouth yard, were appointed minutely to inspect every part of it; they were engaged upon it for many weeks, and they required the personal inspection also of Mr. Rennie's books, and ascertained as far as it was practicable the weight, and an account was kept of the different materials delivered, so as to check it in the most effectual manner; and Mr. Goodrich, in his report, stated that the machinery was most admirably done, but that a few little things which were still necessary ought to be done; a few trifling alterations were made, and the bill was finally paid.

143. Were Messrs. Rennie the architects or the superintendents of the mill at Deptford?—They were not.

144. Were the steam engines included in the account you have given of the machinery?—Yes.

M. W. Clifton, Esq.

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145. Were the steam engines supplied by Messrs. Rennie?—They were supplied through Messrs. Rennie, of Bolton & Watt. But I have not answered the original question which the Committee put to me, namely, why they were then employed at Cremill: I would therefore state, that as experience had shown that they had provided most admirable machinery at Deptford, which answered every purpose, it was considered most expedient that we should order it of the same parties; in fact no question ever arose that it should be ordered of any one else; they were considered the best makers, and it was ordered to be on the best principles.

146. What was there to check the quality of the work or the prices?—With regard to the prices, I have stated that they were checked by Mr. Goodrich and Mr. Taylor.

147. But at Plymouth what check would they have undergone?—Precisely the same as at Deptford; and I should also state, by the bye, that other steam engines and machinery were ordered of Messrs. Rennie for Clarence yard, and they were subjected to precisely the same examination.

148. Were the prices for the machinery used and put up at Deptford and at Cremill the same?—I cannot possibly answer that; I should presume that they would not; they would depend on the price of iron and labour, and so on, at the time. In the case of the machinery at the Clarence yard the same course was adopted exactly; a Navy Board's officer, Mr. Kingston, was employed to check the charge for the machinery with Mr. Taylor, and in that case they went again most minutely into it, and again required the display before them of Mr. Rennie's books.

149. Had Sir John Rennie, as the engineer for the construction of the works at Cremill, anything to do with the recommendation of Mr. George Rennie to supply machinery?—I stated before that no idea was ever entertained, as far as I am aware of, of employing any other person than Mr. George Rennie for it.

150. Would Sir John Rennie have been employed in any manner to check the account of the expense of the machinery furnished by Mr. George Rennie?—Not in any manner, directly or indirectly.

151. Had he any interest, as superintendent, in the shape of commission or per centage, on that machinery so furnished?—None whatever on any part of the works. I stated before, his charges are confined to the drawing of plans, and to day pay, when engaged on the inspection of the execution of the works, or in making any report for the Board.

152. Would he have had, as the architect or the engineer to the Board, any power of reporting the due execution of that contract for the machinery?—Decidedly not; he would not have reported the sufficiency or the insufficiency of it.

153. Who would have reported the sufficiency or the insufficiency of it?—Such persons as the Board might have deemed the most expedient for the examination of the machinery when it was completed.

154. Being persons entirely independent of the Rennies?—Entirely: as I mentioned in the former case, we applied to the Navy Board for their most competent officer, and they appointed Mr. Goodrich, and since that time Mr. Kingston, who I think was master millwright of Portsmouth yard, not connected with our department.

155. Then whatever occurred on the expenditure at the Clarence yard, would have occurred at the Cremill Point, without any interference on the part of Sir John Rennie?—Certainly so.

156. Could Sir John Rennie, as architect and engineer to the Board at Cremill Point, have any influence as to the quantity of machinery to be supplied for Cremill Point by the house of Messrs. Rennie?—I can hardly conceive how he could. We looked to Mr. George Rennie for the supply of the whole machinery, we held him entirely responsible for it; every part of the works of the machinery we held him responsible for, and he charged no commission; in the former instance, on the supply of the steam engines, we only paid the amount of Bolton & Watt's charge.

157. How do you know that; did you pay the price of the steam engine to Mr. Rennie, or to Bolton & Watt?—No, the whole to Mr. Rennie.

158. Then how are you able to ascertain the fact that no commission was paid to Mr. Rennie for ordering the steam engine?—I happen to know the fact, and I believe that the precise bill is here; we can ascertain that: when the bills were made

made up, Messrs. Rennie transmitted with their accounts the bill from Bolton & Watt for the steam engine, as the voucher, and the fact generally was inquired of them, whether they charged any commission whatever on Bolton & Watt's or any other maker's engine. They bought a small engine, that I saw afterwards, for the baking-house machinery, and no commission was charged for that.

M. W. Clifton, Esq.
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159. You have stated why Mr. George Rennie was employed to make the machinery for the mill and so forth, but you have not given any reason why he was employed to furnish the steam-engine?—I beg pardon; I stated we considered him responsible for the whole, and we therefore ordered of him every part of the machinery adapted to the steam-engine; we took a great deal of pains before it was determined; we went to many different establishments about town.

160. Then in point of fact no contract was made for the steam-engine any more than other parts of the machinery?—No; Bolton & Watt will not contract.

161. Was the same system pursued with the Horsely Iron Company, for the two small engines that they supplied?—They made a specific offer that they would supply a small engine at a given price, which was considerably below Bolton & Watt's; their object of course was to obtain government employ; it was but a small sum, 540*l.*, or something of that sort, not a very material thing, that we might give them a trial, and we bought an engine from the Horsely Company, and one from the Butterly Company, and they both went to very great expense to complete them in the best manner.

162. Were those two engines put up under the superintendence and direction of Mr. George Rennie?—Yes.

163. Did you consider Mr. George Rennie as responsible for those two engines, the same as you did for the engine ordered of Bolton & Watt?—Decidedly so: every part of the baking-house machinery.

164. And the engines from Bolton & Watt, and from the two different companies, through Mr. Rennie, were under the same circumstances and under the same superintendence?—Exactly so. Though Messrs. Bolton & Watt will not make a specific tender to us of an engine, they have certain prices from which they will not deviate, governed by the price of iron and labour at the time. The Committee will see in the letter, which I read part of just now, to the Board, where it was intended to be a fourteen-horse power engine in the brewhouse at Cremill, that Bolton & Watt had given in to Mr. Rennie an estimate of the cost it would amount to.

165. Have the two small engines made by the Horsely Iron Company, and the Butterly Company, fully answered the purpose?—Only one has been tried yet, the one at the Clarence yard, and that, as far as I know, has answered exceedingly well; it is a very beautiful engine.

166. Were those works for which you required these two small engines to be provided, were they under the direction of Sir John Rennie?—Yes; on his recommendation we gave them that trial; but it would have been considered too serious a thing perhaps to order two forty-horse power steam-engines of new makers; the thing was fully discussed as to what maker we should have.

167. Were Messrs. Rennie the architects or the superintendents of the works at Clarence yard?—No, they were not; they were occasionally consulted.

168. Was Sir John Rennie the architect or superintendent at Cremill?—He was the engineer; he was the architect.

169. Did he not furnish the plan of Cremill, and did he not from time to time visit the works during their progress?—Yes.

170. Did he do so either at Clarence or at Deptford?—Certainly not, generally; he might have been consulted on particular occasions.

171. Did he make the drawings of the machinery?—Mr. George Rennie did.

172. Not Sir John?—No; Mr. George Rennie, both at Deptford, at Clarence and at Cremill.

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Marshall Waller Clifton, Esquire, again called in ; and Examined.

M. W. Clifton, Esq. 173. HAVE you any observations that you wish to make to the Committee, either in explanation or in addition to the evidence you gave on Monday last ?—If my evidence was not so complete and satisfactory the other day as might have been expected, I hope the Committee will make every allowance for the situation in which

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I was placed ; having been desired to attend with an immense mass of papers, and my attention not having been directed to any particular point, I was asked questions not simply of facts which occurred eight or ten years ago, but I was called upon even to state the ground upon which those decisions had been come to. Though I have not had an opportunity of looking over the evidence, I feel that it was not so complete as it ought to be ; if the Committee therefore will allow me to complete my evidence, I shall be obliged. With reference to the number of contracts entered into with Mr. M'Intosh, I was asked how many were by public tender, and how many were by private agreement, and whether that was a deviation from the general rule ; whether the matter had been discussed at the Board, and whether there was any ground for that deviation. I stated that two of the contracts had been made by public advertisement or by writing to individuals who were called upon to tender ; and the impression upon my mind was that a third contract by public tender was entered into, namely, for the removal of the rock. I find that there were but two, namely, the great sea wall, and the reservoir and pipes from Bewes's field to Cremill Point. Then with respect to the next contracts which were taken, I believe I stated, especially with regard to the rock, that I was quite sure the subject had been frequently under discussion at the Board, but whether there was a distinct minute, authorizing the course that was adopted, I was not certain ; the impression on my mind was that there was not ; but I stated that every part of the subject had been brought under the consideration of the Admiralty, and that probably it would appear in the reports of the committee of our Board, if it existed at all. With the Committee's permission I will refer to the discussion of this question contained in the report of the committee of the Victualling Board, dated 26th of September 1825. A committee went down annually (sometimes more frequently) to visit the works, and make a report of the details of the works ; their report was brought under the consideration of the Board, and a copy of that report was invariably submitted to the Admiralty. I would commence the subject by observing, that the removal of the rock was the most difficult and the most important question of the whole, and occupied a great deal of the Board's consideration from the earliest commencement of the works. On the 13th of August 1825, Sir John Rennie writes to the Board to this effect : “ Honourable Sirs : According to your directions, I herewith beg leave to transmit plans and sections and specifications for excavating the rock to the required level, to give room for the intended brewhouse, cooperage and long storehouse at Cremill Point, and for the construction of the foundations of the long storehouse up to the level of the intended wharfs ; also for the main culvert or sewer for draining the whole establishment, as far as is comprehended within that portion which you have determined to carry into effect at present. With regard to the excavation of the rock, there are two modes in which this important operation may be considered : rather to give the whole of the rock to the contractor, for the expense that would be incurred by its removal, and allow him to use such parts as may be found serviceable for your own works, for which the contractor would be paid a reasonable sum, and be allowed to dispose of the remainder to his own profit.” That was in August 1825. The Board took no steps upon that at the moment, beyond directing Messrs. Richards and Adams to make the calculations, and Mr. Rennie to report what would be the probable expense of the removal of the rock on these terms ; and immediately after, in September 1825, the committee who visited Cremill Point in that month made a report to the Board upon the subject ; by which it was recommended that the present contractor should be employed in removing the rock. In addition to the removal of the rock, the formation of the Ordnance road, and the alteration or improvement of the Admiral's Hard, were also recommended by this report, which was transmitted to the Admiralty ; the subject was then fully discussed at the Board, and after a great deal of negotiation, the contractor being unwilling to undertake it, a bargain was made which was most advantageous to the Board ; for although we paid a considerable sum for the work, yet as under the conditions

conditions of the contract we were to be supplied with certain quantities of ashler and rubble, so far below the market price of those articles, (whether the rock produced it or not ; which in point of fact it did not,) that the difference between those prices has paid the whole sum that we paid for the removal of the rock. The same observation applies also to the Ordnance road and Admiral's Hard ; and then the rock having been so taken, it followed as a matter of course, of necessity in point of fact, that other works should be done by the same man. The next point was with respect to the employment of Mr. George Rennie for the machinery ; nothing very particular occurs to me upon that point. I stated, I believe, in the course of my examination, that no loss was sustained to the public by Bolton & Watt's steam engines being ordered through Messrs. Rennie, as they have never charged any commission upon them. That was the impression upon my mind ; I could not at that moment speak positively. However, I find by the original bills that I was correct ; for in Messrs. Rennie's bills for the machinery at Deptford, they enclosed Bolton & Watt's charge for the engines, and did not charge any commission thereon ; and indeed in that very bill, I see a deduction was made from Bolton & Watt's account, for the labour of one of the men who had not attended regularly in fitting up the engines.

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174. You have already stated that Messrs. Rennie were employed ; why did the Victualling Board employ Messrs. Rennie to furnish the machinery ?—I think I stated before, that I believed the only reasons were, that Mr. George Rennie was considered the most eminent maker of machinery in the country ; that he had been employed to make the machinery for the mill at Deptford ; that he was employed to make the machinery for the mill at Portsmouth ; all of which proved remarkably good, perfect and complete of their kind : and there might be stated here another general reason, which is this, that having made machinery for one place, his charge for machinery at the other would necessarily be reduced, from the circumstance of his having by him the moulds from which the machinery was made, some of which would be applicable to the machinery to be made for the yard at Cremill. That observation particularly applies to the bakehouse machinery : the machinery in the Portsmouth yard for the purpose of making biscuits being the first of the kind that was made, was during its progress liable to many alterations ; but the casts being made and the machinery perfect, when it was decided that machinery should be put into the bakehouse at Plymouth, it seemed most desirable that the same person who had made the Portsmouth machinery should be employed to make this machinery for Cremill. There would be a saving of three or five per cent. (I speak that from memory) in the cost of the Plymouth machinery, as compared with that of Portsmouth. I should state that the machinery of the mill at Deptford was found remarkably perfect, and has worn uncommonly well ; and the same with regard to Portsmouth, which almost surpasses the Deptford machinery. The power is more concentrated at that mill, and it is more beautiful than that at Deptford.

175. When was the machinery at Deptford erected ?—The mill was completed in the year 1829 ; I cannot state the precise day when the machinery was ordered but I suppose it must have been from 1826 to 1829.

176. The machinery has been in use since the year 1829 at Deptford ?—I think so ; I speak entirely from memory.

177. When was the baking apparatus at Plymouth completed ?—That must have been completed I think in the course of the year 1830 : the corn-mill at Deptford was erecting during the years 1827, 1828, 1829 ; the whole of the machinery for the corn-mill Deptford was paid for in 1827, 1828, 1829.

178. How long had the Weevil mill been in operation before the Victualling Board ordered the machinery for baking at Cremill ?—I do not think that the whole of the baking machinery at Weevil had been in entire operation before it was ordered for Cremill. Part of it was in operation, sufficient to establish the accuracy of the mode of making bread by that means, but it was not entirely completed till a latter date.

179. Why were Messrs. Bolton & Watt employed to make the machines through Messrs. Rennie ?—I think I stated before, that we looked at Mr. Rennie as the person who was to provide the whole of the mill, and be responsible to us for it being perfect in all its parts. The Board considered it impossible to have steam-engines adapted to the building and machinery from another person, and that it would be much better to have both of the same person ; the Board did not like to make an experiment of other makers' engines. We had on other occasions tried a steam engine of an ingenious plan of a Dr. Alban, who suggested a steam engine

M. W. Clayton, Esq. of a peculiar construction ; his proposition was referred to Mr. Rennie, who rather reported against it ; but the Board entertained it, and we employed a committee of the Royal Society, consisting of Mr. Davies Gilbert, Mr. Brande and Dr. Paris, who thought it would succeed, and we ordered one, but stipulated, on Messrs. Rennie's recommendation, that Dr. Alban should bear the expense if it did not succeed ; it did not succeed, and the inventor took it down : therefore after those experiments, and considering the magnitude of the concern, the Board did not think it right to order a steam-engine of any other person than the most approved maker. I can state the fact distinctly, that Bolton & Watt do not contract and will not contract ; and on more than one occasion, when called upon by the Navy Board to send in prices, they declined to do so, stating that their prices were always regulated by the price of iron and labour at the time ; that their prices were fixed, and from them they would not depart : and I would merely confirm what I stated before from memory, that no charge was made by Messrs. Rennie in their accounts as commission for the steam-engine furnished through them by Messrs. Bolton & Watt. This is the original bill of Bolton & Watt for the steam-engines of Deptford corn-mill ; and from its total amount we made a reduction of about 60*l.* or 70*l.* from their charge for labour for their men, we having checked their attendance, as we would in the case of our own men.

180. Was there any commission paid to Sir John Rennie for the steam engines that were procured from the two other companies of Horsely and Butterly ?—There is no commission charged whatever.

181. Do not you conceive that considerable difficulty and expense would have been incurred if the constructor of the machinery and the maker of the engines had not acted together ?—That is almost a professional question, which I am hardly competent to answer, but that was our impression ; we understood that it would be difficult, if not impracticable, because they must be put in communication with each other. I do not mean to say that it would be actually impossible.

182. Do you conceive that the person making the machinery was the proper person to give instruction to the maker of the engine ?—Undoubtedly he must have done that, at all events.

183. In what manner were the charges made by Messrs. Rennie for the machinery furnished to Deptford and to Weevil ultimately checked ?—I think I stated on the last day on which I was examined, that we referred them to the surveyor of buildings and a Navy Board officer. In the case of the Deptford mill, we wrote to the Navy Board, requesting them to appoint Mr. Goodrich or any other proper person for that purpose ; and the Navy Board returned this answer : “In return to your letter of yesterday, we acquaint you that, as requested by you, Mr. Goodrich, the engineer and mechanist at Portsmouth, has been directed to inspect and report on the whole of the machinery and engines of the flour mill in your premises at Deptford, as soon as possible.” And in the case of the machinery at Weevil, the same course was pursued. See Navy Board letter of 29th Nov. 1830, No. 6 Enclosure to No. 20.

184. Did those persons make a minute inspection of all the detailed charges of Messrs. Rennie ?—They did.

185. Was the same course pursued with regard to the charges made for the machinery furnished for Weevil ?—It was ; except that Mr. Goodrich having quitted Portsmouth dockyard, Mr. Kingston, then master millwright, was substituted for him.

186. Have any of the accounts of Messrs. Rennie for the Cremill machinery been furnished by them, and are they yet examined and passed ?—Not yet examined. The Board have a bill now before them for machinery shipped ; it has not actually arrived (I believe) at this moment at Cremill.

187. In what manner would that machinery have been examined, and Mr. Rennie's charges checked, when it was erected at Cremill ?—It would have been examined precisely in the same way ; the Board had in fact prepared a minute for it, but finding that the machinery had not arrived at Plymouth, of course nothing was done till it had arrived there. It was proposed that Mr. Taylor should go down and meet Mr. Kingston and other officers, and ascertain the weight and quality of every part as it arrived. The minute was made on the 21st of February ; this is the rough draft of the minute which I prepared at the time, when Messrs. Rennie's letter was read at the Board on the 21st of February. The Board determined that this course should be pursued, but the Accountant-general subsequently stated that he thought we had better take no immediate steps about it. The minute was

to

to this effect: "The Board intending to refer the bills of Messrs. Rennie, for cranes, steam-engines and machinery at Cremill, for the examination of the Surveyor of Naval Buildings, and to Mr. Goodrich, Mr. Kingston, or some other competent mechanist, in the same manner as the bills for the machinery of the mills at Deptford and Weevil were examined, and according to their intention expressed in their letter to the Admiralty of the 3d December last; and the Board not being able to cause that examination to be made till the arrival at Cremill of the whole of the machinery charged in the bills now delivered, when the persons above-mentioned will be directed to proceed thither and make their examination on the spot, cannot pay Messrs. Rennie the amount of their account at present."

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188. Then you state to the Committee that it was the intention of the Victualling Board to send those persons to inspect the machinery erected at Cremill, in the same way as they had already done the machinery erected at Deptford?—Most assuredly.

189. Would it have become any part of the duty of Sir John Rennie, as the person who had furnished the plans for the sea walls, and other parts in the engineer department at Cremill, to have examined or reported upon the machinery so furnished by Mr. George Rennie?—No, it would not.

190. Had he any means of determining the quantity of machinery to be so supplied, in his capacity of architect?—Decidedly not.

191. Did that depend upon the determination of the Victualling Board as to the extent of the supply of flour and bread which they intended to make at Cremill?—The building must be adapted to the extent of the machinery which the Board determined upon as necessary; if they thought a 20 or 40 horse power engine was necessary, the building must be adapted to it.

192. That was determined by the Board upon a consideration of the future demands of the public service?—It was determined so.

193. What was the nature of the superintendence of Sir John Rennie subsequent to his furnishing the original plan for the sea wall and other works?—He was at all times considered the principal engineer: all plans and specifications for each agreement or contract, and the working drawings, were prepared by him, and submitted to the Board for approval; when so approved, and arrangements made with the contractor for the execution of the work, they were submitted, with a copy of the contract, to Sir James Gordon, the commissioner of the Victualling Board resident at Plymouth; by him they were put into the hands of Mr. Richards, the resident engineer and inspector of the works, and under his personal superintendence carried into execution; and then Sir John Rennie occasionally visited the yard in his character of engineer, to see that those plans and drawings, and the works generally, were carried on according to his intention.

194. As he had not originally furnished the plans for the machinery, would he have been called upon to inspect the machinery in the same way as he was the other works?—No, he would not.

195. Why then were the letters addressed to him?—The letters were written indiscriminately to him and his brother. It would appear, by the case to which I referred the other day, that the original minute as signed by the Board directed *Messrs. Rennie* to furnish the machinery; the clerk who wrote the letter addressed it to *John Rennie, Esq.*

196. Would it have been part of his duty as superintending engineer to have surveyed the machinery furnished by his brother?—Certainly not; we never considered he had anything to do with the machinery; though a letter might have been improperly addressed to him, yet Mr. George Rennie is the only person the Board looked to as their millwright.

197. If the machinery had been furnished by any other person totally unconnected with Sir John or Mr. George Rennie, would it have been Sir John Rennie's duty to examine it?—No, it would not; probably the same course would have been pursued, viz. that we should nominate a person totally unconnected with the Board, and beyond all possible connection with it.

198. You have stated that Sir John Rennie was at all times considered the principal engineer by the Victualling Board, and you have also stated that the Victualling Board, before undertaking the work at Cremill, fixed upon the scale upon which the establishment was to be formed with a view to the wants of the public service, and the extent of the supply which this machinery was to produce; who was their adviser with regard to the quantity of machinery necessary, Sir John Rennie being their principal engineer?—That question, as far as I am capable of

M. W. Clifton, Esq. answering, except by a reference to the original estimate, was not gone into in detail at that time. To the best of my recollection, there was simply a rough estimate; that estimate speaks of a brewhouse with machinery, and mill with machinery. I am not quite sure that the detailed extent of each was gone into at that time; but undoubtedly Sir John Rennie was called upon as the only person to give that estimate. I am not aware that Mr. George Rennie was at that time at all consulted.

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199. Who gave the general plan, including the building, and the machinery to be adapted to that building?—Sir John Rennie furnished the plan of the buildings, or Messrs. Rennie might have done it; as I have before stated they indiscriminately signed letters and plans; I cannot, without having the plan before me, say whether it was signed by Sir John Rennie, or Mr. George Rennie.

200. Was the plan suggested by one or other of the Messrs. Rennie?—Decidedly; I should say that it was designed by Sir John Rennie: when the plan was determined upon by the Board, Mr. George Rennie brought to the Board a detail of the plan of the mill, showing the manner in which the stones were to be fixed, and so on.

201. You say the Board determined the extent of the machinery; what evidence is there of the Board determining the extent?—As early as 1823 there was a letter from Sir John Rennie inquiring the extent of the proposed establishment that was to be formed; this letter is the 12th of July 1823: “As I am now about to enter into the details of the plan and estimate of the proposed new victualling establishment at Cremill Point, I have thought it right to state the grounds upon which I am going to make my calculations: that the whole establishment (of which only the brewhouse and cooperage, with stowage for 3,000 tuns, are immediately required,) when complete, is to consist of, 1st, brewhouse, capable of making 200 tuns of beer per day, with all the requisite appurtenances; 2d, a cooperage, with accommodation for 80 block-coopers, &c.; 3d, a flour mill, bakehouse and ovens complete, capable of grinding and making 1,000 sacks of flour into bread per week; 4th, a slaughter-house, merely for fresh meats, and equal in extent to the present; 5th, covered storehouse room for 12,000 tons of all kinds, and spaces for stores out of cover capable of receiving 12,000 tons more. The whole establishment to be calculated upon the most improved principles, with the requisite wharfs, cranes, sheds, reservoirs, &c. I shall feel much obliged by receiving an early answer as to the correctness of the above data, in order that I may proceed upon a right principle.”

202. Are these data suggested by Sir John Rennie, or had the Victualling Board previously laid down any such data?—The Board had before most fully considered the subject in every way; they had appointed a committee of their officers to meet at Plymouth to ascertain the extent that would probably be required for the new victualling establishment; Mr. Hobbs, the inspector of works at Deptford, Mr. Adams, the inspector of works at Plymouth, and Mr. Rennie himself, assembled there, and they were put in communication with the officers of our yard, and with a committee of our board, consisting of the chairman and Mr. Commissioner Edgcombe, and the extent was then, in fact, determined; but before Mr. Rennie went into the calculations he put those questions, with a view of ascertaining whether he was perfectly correct, and there was one material alteration; he asked, with respect to the extent of the brewhouse and appurtenances, whether it was to be capable of brewing 200 tuns a day. This was afterwards reduced; the extent was not quite so much, we found 120 tuns a-day would be sufficient.

203. Were those data furnished to Sir John Rennie by the Victualling Board in any written document before the date of that letter, or were they then suggested to Sir John Rennie?—I am not prepared to say whether there was any written document or not to that effect; but as I stated before, the subject was fully discussed by Mr. Hobbs, Mr. Adams, and the committee at Plymouth, and I presume that this was the result of their determination.

204. Was the brewing machinery which was subsequently ordered upon the reduced scale which you have alluded to, or upon the larger scale first proposed by Sir John Rennie?—Upon the reduced scale.

205. Was the flour-mill and bakery constructed upon the scale recommended by Sir John Rennie?—I cannot carry that in my mind, but I think it was exactly as planned.

206. It

206. It appears that there has been a considerable excess of the estimate, on account of additions to the flour-mill and granaries connected with it ; upon what authority was that directed ?—The authority, I think, was the same as the Board have exercised throughout the whole of this business, with the view of having a complete and perfect victualling establishment ; it was the result of the committee's propositions in October 1830. There were two causes for the increase of the granaries and storehouse room connected with the mill ; in the first place, the storehouse room in the quadrangular store, which had been originally designed for bread had been applied as a slop store ; for the Committee will recollect that since this plan was originally designed in 1823, the slop business has been transferred to the Victualling Board, it therefore became necessary to devote one of the whole floors of the quadrangular store for slops, and of course it became necessary to increase the quantity of storeroom for bread, which was done by extending the mill building ; besides, experience had also shown, that in our mill at Deptford, we had not sufficient granary room. This subject occupied the attention of the committee when they were at Plymouth, and upon their return to town they had frequent communications with Sir John Rennie, and the consequence was, a deviation from the original plan of the mill. I should also state, that another deviation took place, the mill and bakery buildings were intended at first to be separate ; after a small piece of ground near the yard was obtained, it was determined to bring the two buildings together, and when the new plan was arranged, it was determined to have more granary room, and more room for the stowage of bread.

207. Were those deviations from the original plan, suggested by the visitation committee and adopted by the Victualling Board, sanctioned by the Admiralty Board ?—They were not specifically sanctioned by the Admiralty, by written order.

208. Did the Victualling Board conceive that the original instructions given them by the Admiralty Board authorized them to make those alterations which they thought convenient to the public service ?—Decidedly ; but all those plans I conceive I may state distinctly, were approved of personally by the First Lord of the Admiralty, or the Board of Admiralty, before any official steps were taken upon them, and the subject was on all occasions alluded to in the committee's reports ; the details of the subject were thus continually brought under the consideration of the Admiralty by the committee's reports. Those reports are rather voluminous, but if the committee will look at them they will see that in every committee's report a statement is made of the progress of the works.

209. You have stated in your evidence that the sum of 28,674*l.* 3*s.* 11*d.* was paid for the purchase of land previous to any sum of money being voted by Parliament, and that money was paid out of the sums of money generally voted for the use of the Victualling Board ?—Yes.

210. There is a large sum of money, 249,441*l.* expended between the years 1823 and 1832, whereas there is only the sum of 74,000*l.* expressly voted for those works. Did the Victualling Board consider themselves authorized under the general practice, or under any particular regulation to make that outlay of money, without its having been voted to the particular services to which it was applied ?—They did ; that had always been the practice of the department ; and at the same time the Board did not go on expending very large sums in addition to the estimate, without communicating continually with the Board of Admiralty, or with the First Lord of the Admiralty upon the subject ; if our vote for other services appeared, as the year advanced, not likely to be expended, the works went on more rapidly, and a larger sum was applied towards the works. Before I withdraw, I wish, with the Committee's permission, to read, with reference to the first part of my evidence, the following letter addressed by me, in pursuance of the Victualling Board's directions, to Sir John Rennie, on the 30th of May 1823. “ The Lords Commissioners of the Admiralty having had under their consideration several propositions for the formation of a new victualling establishment at Plymouth, and their Lordships' having, by Barrow's letter of the 3d of February last, signified their directions to the Commissioners for Victualling His Majesty's Navy, in the event of certain inquiries respecting the possibility of obtaining a sufficient supply of water for Cremill Point proving satisfactory, that you should be employed, with the assistance of Mr. Hobbs, the inspector of repairs of this department at Deptford, and Mr. Adams, who holds a similar appointment at Plymouth, or any other person you may require, to prepare a plan, and as accurate an estimate as may be practicable, of the expense, in the first instance of the construction of the wharf and

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M. W. Clifton, Esq. buildings necessary for the brewery cooperage establishments, and hereafter of all the requisite storehouses and other buildings ; the several heads which compose the total amount of the estimate to be distinguished, and the plan not to be on a larger or more extensive scale than is absolutely necessary for the service of the port. I am commanded by the Board to acquaint you therewith, and to signify their direction to you to meet the Chairman and Commissioner Edgcombe on the subject, at Plymouth, on or about the 9th of next month. I am, &c. *M. W. Clifton.*"

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Sir John Rennie, called in ; and Examined.

Sir John Rennie.

211. WERE you appointed by the Victualling Board to superintend and form a new establishment for victualling His Majesty's navy, at Cremill Point ?—I was ; by an express authority from the Admiralty.

212. Will you state by what authority you were appointed, and what directions were given to you to prosecute that work ?—The directions were, to the best of my recollection, written, and I think I have a copy of those that were sent to me. My directions were to go to Plymouth to meet Mr. Adams and Mr. Hobbs, and in conjunction with them to go into the whole of the project of victualling His Majesty's navy at Cremill Point.

213. Was the extent of the establishment represented to you, or were you empowered to consider what extent of establishment was necessary, and to report your observation to the Board ?—The extent of the establishment was expressly represented to me by the Victualling Board, they required certain quantities of work to be performed in that department, which were pointed out, for instance, the establishment proposed was to consist of a brewery, capable of brewing 120 tuns of beer daily ; a flour-mill, with a bakehouse and the necessary ovens, for the purpose of converting 1,000 sacks of flour into bread per week, and a cooperage capable of giving employment to 80 coopers ; a slaughter-house, in which 100 or 120 head of cattle might be slaughtered in a day ; and stowage room for 12,000 tons of provision under cover, with space capable of receiving stores to the amount of 12,000 tons more, not under cover, with all the requisite appurtenances of cranes, machinery and reservoirs for supplying the vessels with fresh water.

214. Here is an estimate submitted to the Committee, for the formation of a new establishment for victualling His Majesty's navy at Cremill Point, delivered in, signed "John Rennie, 13th December 1824," amounting to the sum of 291,512*l.*; do you consider this sum of 291,512*l.* as covering the whole of the expense of the establishment as originally contemplated at Cremill Point ?—It did so, with the exception of certain works not immediately within the precincts of this victualling yard ; for instance, there were certain works which were required to be done for the Ordnance, namely, a road to communicate with the batteries on the top of the hill ; there was also a Hard, or what is called a landing place to be made for the inhabitants of Stonehouse, to replace that on Cremill Point, proposed to be removed by the new establishment. There were some minor works also, which could not be ascertained until the work was commenced, for instance, there was a wall which was afterwards necessary to be built to keep up the rock which was excavated, but had that rock proved perfectly solid in the execution, the wall might have been dispensed with. There was another work in Firestone Bay, which was built at the express command of the Navy Board, to prevent any of the loose rubbish that might be thrown from the excavation of the rock from being driven into the harbour, and thus interfering with the Acts of Parliament, which the Navy Board had for the preservation of the harbour ; besides the above, additional service-pipes, landing stairs and paving, as mentioned in my report of the 30th December last, have been executed.

215. Did you think it necessary to give an additional estimate for those works ?—I did give an additional estimate for many of those works. Whenever a new work was proposed to be done, it was submitted to the Victualling Board, and nothing was done without previously obtaining the express sanction and authority of the Board.

216. Did that sum of 291,000*l.* include the expense of removing the rock ?—It did not, and it was left out for this reason ; Mr. Hobbs, Mr. Adams and myself, had a great deal of discussion upon the subject, and there was a great difference in opinion as to the value of this rock ; in the opinion of some it was worth a great deal of money ; in the opinion of others it would scarcely pay the expense of removal ;

val; it was therefore left till experience alone would decide the value of it, when it was removed.

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217. In your letter to the Victualling Board of the 30th December 1831, which you will find in printed paper, Appendix No. 22, you state that the whole of the original estimates, according to the year 1824, amounted to 308,410*l.*; how do you reconcile that with the estimate of the 13th of December 1824?—Because the cost of the excavation of the rock had been subsequently added to it.

218. Does the cost of the excavation of the rock, added to the sum estimated on the 13th of December, make up the sum of 308,410*l.*?—Yes.

219. Is there not considerable architectural decoration about those buildings?—There is no more architectural decoration about those buildings than what such buildings generally have.

220. Of what are the outer walls composed?—Of stone.

221. Stones taken from the country?—Stones taken from the spot, with the exception of a certain quantity of granite, which was used in those parts which were most exposed and required the greatest substance. It must be observed that the rock was a limestone, and very expensive to convert into small scantling, and granite has been used for the cornices and the sills of the windows, and plinths generally for those parts most exposed to injury, but no more granite has been used than what was necessary for those purposes.

222. Is there, in your opinion, any unnecessary expense?—I should say not. In the entrance, as it was originally designed, no colonnade was included, but it was afterwards added, for this reason; it is a very wet place, and in all establishments which the Government have, there is always a place for the porter or warder to stand under to check the men going in and coming out, and as those men would be much exposed, a colonnade was made in order to enable them to do their duty without being exposed to unnecessary inconvenience.

223. In carrying the orders of the Victualling Board into effect at Cremill Point, were you paid by any commission upon the outlay on the establishment, or by what mode were you paid?—I was usually paid by the time employed by myself and assistants upon the drawings, estimates, specifications and superintendence.

224. You were not paid a per centage upon the money laid out?—No, I was not.

225. Did you see the old victualling establishment?—I saw the whole of it.

226. Was it in good repair?—Quite the reverse.

227. Do you conceive that the outlay must have been very great if you had put that establishment, separated as it then was, into efficient repair?—I have no doubt in my own mind that to have made those establishments as effective as the present ones, a very considerable sum of money must have been laid out, without obtaining the immense advantage of having them close together.

228. Was there any material difference between the building for the gateway and entrance, according to the first estimate, and the building as it is completed?—No detailed design was made out in the first instance for the entrance; but when the subject came to be discussed, the Admiralty and Victualling Boards had several plans submitted to them, with an estimate of the expense, and they adopted the one which is now nearly finished.

229. Is that the most or the least expensive?—I think there was certainly a difference of expense, but there were several works added to it, which did not belong to the original design; for example, there was an engine-house, and guard-house, and a warder's-house, which was made large enough to convert into two, if necessary which has since been done.

230. Can you inform the Committee what extra expense was incurred by the architectural decorations on that gateway?—I find here that the original estimate for the slaughter-house, porter's lodge and entrance was 5,777*l.*; now it will cost 9,978*l.*; but then to the original estimate should be added the additional accommodation of the engine-house, the guard-house and the porter's or warder's house, which did not belong to it, the whole would be about 800*l.* or 1,000*l.*

231. Does that include the figures upon the top?—Two hundred pounds was included in the estimate for the King's arms proposed to be placed on the top; and whether it is to be made of composition or of marble, of course there will be a corresponding difference of expense; this, however, will not be incurred without a regular estimate being previously submitted to the Board. It has been usual in all the public establishments which I have seen, to have the appropriate arms belonging to a public establishment, and there is not a dock-yard without it.

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232. Of

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232. Of what material is it built?—Of the best granite.

233. Where does that granite come from?—It comes from Cornwall; I find that that is among the best kind of granite for the purpose.

234. Were you employed by the Victualling Board to provide the machinery necessary for the establishment at Cremill Point?—Regular orders were sent to my brother and myself to supply that.

235. Are you connected in the business of machinery making with your brother?—I am, certainly; we execute machinery in the same manner as my father did for 50 or 60 years before us.

236. Were you employed by the Victualling Board to order the steam-engines and the boilers necessary to act with the machinery?—We were.

237. Did you make the steam-engines?—No.

238. Do you consider it necessary that the making the machinery and the providing the steam-engines and the boilers should be under the direction of one person, so as to see that the two fit each other?—I do conceive that to be indispensable, in order to have a perfect piece of machinery.

239. Do you conceive it possible for an indifferent person to order the machinery of Watt & Bolton, and to leave the machinery to be provided for by other persons, without the superintendence of one person only?—It is possible to do so, but I do not think it is to be recommended, because there ought to be one person responsible for both; because the fixing of the machinery ought to be adapted to the steam-engines and boilers, and I do not conceive that otherwise the machinery and steam-engines and boilers could be made to work together so well as they ought to do.

240. Did you, under the directions of the Victualling Board, provide the drawings and designs necessary for the machinery?—We did do so. The Victualling Board gave us orders to make the machinery; in making the machinery we of course were bound to make all the designs and the patterns, and everything connected with the completion of that machinery.

241. You are now speaking of the machinery at Cremill?—Yes, as well as at Deptford and Clarence yards. With regard to the steam engines, we provided them from Messrs. Bolton & Watt's, we furnished the whole of the money ourselves to the amount of 14,000*l.* or 15,000*l.*; we took all the responsibility of the erection of the steam-engines, and saw them erected at Deptford and Clarence yards, and we never have charged the Victualling Board a single fraction for the interest of money, for our time, or for our superintendence.

242. Have you received in any way any commission for the purchase of the steam-engine from Messrs. Bolton & Watt?—Not a fraction; we have furnished the whole ourselves, and without any charge for time or superintendence, or interest of money.

243. Was there any estimate given in by you of what the probable expense of the machinery at Cremill Point, would be?—There was originally, when the establishment was first of all planned; that original plan included every thing at that time.

244. Were you employed in erecting the flour-mills at Deptford and Clarence yard?—We were.

245. Was that machinery contracted for and executed under the same orders and directions as that at Cremill?—Precisely in the same mode.

246. Who was empowered to superintend the flour-mills at Deptford and Clarence yard?—The Government had a superintendent of its own, Mr. Inkpen at Deptford, and Mr. Adams at Clarence yard, and the whole of the men's time including the number of days and hours they worked, were regularly checked against our own foreman by them, and according to the amount of time which was made and certified by them we were paid, with the usual trade profit; and as regards the materials, an account was kept of the prime cost of everything; and after the work was finished, and certified by the officers of the Government on the spot, as answering the original purpose for which it was intended, three persons were then appointed to look at the accounts (I never saw any of the machinery accounts) namely, Mr. Taylor, the surveyor of buildings at Somerset-house, Mr. Goodrich, the master mechanist of Portsmouth yard, and Mr. Kingston, master millwright; they examined the whole of the accounts in our books, saw the prime cost and vouchers for everything, which occupied them nearly two months, and when they had perfectly examined the accounts and satisfied themselves as to their accuracy, they certified the bills, which were paid accordingly.

247. How was the prime cost known, by entries in your books?—Yes.

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248. Was there a profit upon that?—Yes.

249. Are the Committee to understand, by your saying that you never saw any machinery accounts, that the accounts are confided to your brother and not to yourself?—Quite so; it is a thing I do not interfere with at all, and when complete, the accounts were investigated by other parties totally unconnected with us.

250. When you undertook to furnish the machinery to the Victualling Board, were you aware that the machinery was to be inspected and valued by a person unconnected with you in business?—Precisely so, and I should never have thought of passing my own accounts.

251. You did not in any way consider yourself as called upon to determine the price charged by the Victualling Board?—Certainly not.

252. When the work was finished, you, according to the usual practice of the trade, gave in your account, knowing that it was to be corrected and checked by such persons as the Victualling Board chose to appoint?—Precisely so, only with this difference, it is not usual to give the prime cost in any case, but in order to show that we wished everything to be thoroughly investigated, we showed our books to the officers of Government, although it is quite unusual.

253. Was there any inspection when the works were going on?—Yes.

254. By whom?—By officers of Government; Mr. Inkpen had entire direction of the mill at Deptford, and Mr. Adams at Clarence yard, and they certified in conjunction with our foremen all the materials and all the time which was furnished to these establishments.

255. Who is Mr. Inkpen?—I think he is superintendent in the public dock-yard at Deptford now, but he had entire charge of the mill building at that time.

256. Then the other persons were called in to value after the work had been finished?—Precisely.

257. That account kept by Mr. Inkpen and your foreman was submitted to them, with your charges?—It was.

258. In the item No. 2, of the estimate of the 13th of December 1824, how much was stated for brewery and how much for machinery?—They were not separated.

259. Is the Account marked No. 1 in the Appendix an exact copy of the specification of the estimate given in?—I believe it is, with this difference only, that in my report of the 30th December last, I have made out all the items, with the requisite proportion of the sum placed in the former estimate for contingencies, and which would make the brewhouse come to 34,350*l.*

260. Did you give in this account, or what was the account given in?—I gave in the account in manuscript, on the 30th of December last.

261. In December 1824, what was the account you gave in?—I gave 28,453*l.* without contingencies, which was added in gross at the bottom of the first estimate; it was extremely difficult at that time, without making a detailed drawing of every part of each building, and making a specific one also of the machinery belonging to the building, to give a precise estimate of what each would have cost; this would have created a considerable difficulty and delay at that time.

262. In addition to the estimate delivered in of 28,453*l.*, in the year 1824, when did you furnish any estimate in detail of the separate expense of the machinery in the different branches of that establishment?—It was only demanded I think some time last year.

263. Were you not called upon, between the year 1824 and the year 1831, to give in a specific estimate of the amount for each different department?—I do not think we were called upon for those specific estimates.

264. Are the Committee to understand that this letter of yours, of the 30th of December 1831, giving those details, was an answer to the Board's letter of the 17th of December, and that until then you had not given in any details?—I conceive so; if I had been asked I would have given in everything.

265. You constructed the flour-mills at Clarence yard and Deptford?—Yes.

266. Is the mill at Cremill of the same description?—It is.

267. Had you the moulds for the machinery in preservation, by which you cast parts of the machinery used at Clarence yard and Deptford?—We had.

268. Were they fit for service again?—They were, with some trifling repairs; those repairs only were charged for: the Board have had the benefit of all the old moulds, and not only that, but even at the commencement of the Deptford mill we

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brought to account old patterns of wheels, with some alterations which were made, and which alone were charged for, to the great benefit of the Board.

269. Will you state what proportion of the expense mould-making is to the general construction of the machinery?—It would be nearly from four to five per cent.

270. Do you mean by the Board having the benefit of the old moulds, that the works at Cremill were completed at a less expense than they would have been if you had had to make new moulds?—Not a question about it, by four or five per cent.

271. You stated that account was kept of the mens' time, can you state what percentage was added to the amount paid for mens' time?—I can hardly answer that in detail, but upon workmen's labour to whom we pay 7 s. per day, we have a profit of 1 s. or 1 s. 4 d.

272. Have you been employed to superintend any public works for public bodies?—Yes, a great number.

273. Are they done generally by contract in the gross, or done in the way in which the works at Deptford were done?—In the West India Dock establishment, in which I have been employed a great many years, and have furnished cranes and other machines, precisely in the same way which the machinery has been furnished to the Victualling Board at Clarence yard, Deptford, and Cremill Point; the same practice has been invariably pursued at Woolwich and many other places; at the present moment we are employed by the Turkish government in the same manner.

274. Was not a large portion of the work done by contract in the gross?—All the building department, and everything connected with the building department, was done by contract: in the first instance public tenders were advertised, and Mr. M'Intosh sent in his tender, and after the Board had ascertained by two distinct public tenders, that in the one case he was 15 per cent. below the lowest, and in the second, namely in the first division of the sea wall, he was six per cent. below the lowest; subsequently the works were not advertised, but we ascertained the different prices all round in the immediate neighbourhood of Plymouth, and in every part of the country where similar works were going on, and went into the prime cost of each article, and then allowed the contractor a profit upon the prime cost, for the interest of money, for finding tools and implements, for his management, his waste of materials and his risk.

275. Was the original contract with Mr. M'Intosh made in gross or in detail?—It was made upon the prices in detail.

276. That detail was of course subject to the measurement of the work afterwards?—Certainly; and was paid for as the measurement of the work proceeded.

277. Was there any rule in reducing the amount of the contract at each subsequent agreement?—At every subsequent agreement a fresh investigation was commenced of the prime cost and value of those works; and every one of those works was reduced lower than the former, in proportion to the fall of prices of the day.

278. Were those reductions of price reported by you regularly to the Board, before each subsequent agreement?—Yes; the prices were regularly sent along with the contract for the Board's approbation; the Board then, after they had approved of the contract, referred it back to me, to see whether it was correct, and when approved, it was then signed by the contracting parties.

279. Have other public departments that wanted machinery, acted on the same principle?—Precisely so; there was a very large flour-mill made by my father at Wandsworth, and another at Isleworth, a rolling-mill at the Dock-yard at Woolwich, and many other places, upon the very same terms.

280. No contracts were advertised for?—None at all. Provided a contract had been advertised for making machinery, such as has been made for Weevil and Deptford, and Cremill Point, it would have been necessary, in the first instance, to have had the whole of the machinery drawn out to a very large scale, and a complete description, and a detailed specification of every part; now, as machinery makers, we would not have consented to give up our knowledge of the business to the public, which we consider as part of our profits, without a large remuneration, and if we had done that, there would have been also a charge for drawings, and for specifications and superintendence, to at least seven per cent.

281. Will you state in what way you were paid by the Navy Board for your labour and superintendence?—We were paid for the time of ourselves, our assistants, and our visits; this, upon the great works at Sheerness, the Breakwater, and Woolwich, have scarcely amounted to one-third per cent.; although, strictly speaking,

speaking, we should have been entitled to a commission, upon all the principles of architectural profession, which, upon a work like Cremill Point, would amount to five per cent.

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282. Were any of Mr. M'Intosh's estimates laid before you?—Mr. M'Intosh never made an estimate in gross; all his prices were laid before me; they were dissected personally by myself, and the prime cost of every thing was first gone into, from what we knew to be the value on the spot, and then we put on the profit, which varied in the case of Cremill Point from 10 to 12 $\frac{1}{2}$ per cent., with the exception of the hill contract, in which I am certain he is a loser.

283. Do you remember the charge of 8*l.* 18*s.* 10*d.* made by Mr. M'Intosh? —I do not remember that.

284. Do you remember reducing his charges?—I remember frequently reducing them very largely indeed; after the last tender of Mr. M'Intosh, the total amount of which was near 70,000*l.*, there was a deduction after all the prices had been settled, of 2 $\frac{1}{2}$ per cent. upon the whole. Indeed, whenever I found Mr. M'Intosh at all not inclined to make the deduction, which I conceived he ought to make, I said, now Mr. M'Intosh, I shall recommend the Board to go to a public tender, unless you agree to reduce; and by this means I kept a check over him.

285. From the experience you had at Weevill, should you have had any difficulties in furnishing the Board with an estimate?—A probable amount might have been given for the machinery, but the fixing depends upon so many circumstances that it is difficult to make a correct estimate.

286. Were you ever desired to furnish such an estimate?—Not in my recollection; the Board said that the accounts would be strictly examined, and no account would be allowed which could not be substantiated. With respect to estimates for cranes, I had some conversation with them with regard to the small cranes attached to the warehouses: I was asked what I thought the estimates would be; I said I thought they would vary from 130*l.* to 150*l.* each, and the detached cranes 350*l.* each; it will be seen, however, that we have charged less than these estimates, although in strictness we should be entitled to the whole of the estimate; but in going into them we found we could make savings, and the Board has derived the benefit of it.

287. Did you give any estimate of the expense that would be necessary to put the old establishment in repair?—Not to my knowledge; I believe they had that ascertained by their own officers; I do not think I did anything of the kind; I am pretty certain I did not.

288. It appears to the Committee that you had some directions from Sir James Graham on the 8th of January 1831, to which you returned an answer on the 20th of January in the same year; were those directions communicated to you by letter or verbally?—They were verbal; I think they were communicated in Sir James Graham's room; at that time I understood him to say that an estimate was merely required of those works which the Government were actually compelled to do by existing contracts; for that reason I simply furnished the estimates for buildings and works absolutely contracted for, leaving out the machinery, paving, lamps, and additional service-pipes, and a variety of things for which no contracts existed, for offices and internal fittings, and which the Board might make or not, as they thought fit, or which they might do afterwards, under the superintendence of their salaried officer, who generally does those things, particularly as regards the item of paving, which in the last estimate of December 30, 1831, comes to a considerable sum; there is also 4,600*l.* for lamp-posts and other things, and a large sum for contingencies, which includes chairs, and a variety of things which we never estimated in Sheerness or other places.

289. Having given in an estimate in 1824 for the whole expense of the new establishment for the Victualling Board at Cremill Point, in which the brewery and machinery, and flour-mill and machinery, and the bakehouse are included, did it not occur to you, when Sir James Graham made that inquiry of you on the 8th of January 1831, that he required an estimate for completing all the works included in the original estimate?—First of all, I did not understand that Sir James Graham required it; I merely understood from Sir James Graham that he required to know what sum would complete the whole of the contracts which the Board were bound to fulfil, because it was undecided whether the machinery would be continued or not, nor is it decided at the present moment. All the machinery connected with the brewery had then been countermanded; the flour-mill was in daily

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expectation of being stopped also, and the baking machinery was stopped very shortly afterwards ; and as at that time the works were in such a state, that it was very difficult to make a correct estimate of what was due to the contractor and what would really be necessary to complete the works, in consequence of the particular state that they were then in ; in order therefore to cover everything, that nothing might be kept back which was required, I added a very large sum of contingencies to that estimate.

290. Will you state to the Committee any particular reason why that sum for contingencies did not cover the whole ?—Because I did not understand it was required ; and I put it in such a way that it could not be misunderstood for a moment in reading the letter ; had I said the whole establishment, there could not have been a doubt for a moment. The very same thing will apply with regard to the paving ; I never included it, because it was not contracted for, and it is usual for the Government officer to do that afterwards. In the same manner there is an item of 4,600*l.* for lamps and sentry-boxes ; I have not been in the habit of estimating them, but I did so when the accountant-general told me.

291. Is it not understood that a regular account is monthly made, and forwarded to the Board and to you ?—Yes. With regard to balancing the accounts there were two very important points, the hill contract and the west sea wall contract, and those two contracts were so interwoven with the other, that you could not strike a balance without them ; and I understood at the time that that estimate was made, everything would be paid up to that date for machinery and for buildings contracted for ; I ascertained as nearly as I could what might be due to the contractor, and there was 17,000*l.* due to us for machinery and steam-engines, of which we only received 6,000*l.*, leaving a balance of 11,000*l.* to be provided for, which ought to have been paid : now as there is a sum of 55,000*l.* due upon that estimate, which Sir James Graham increased to 110,000*l.*, making together with the 11,000*l.* remaining unpaid 66,000*l.*, and it will only require 45,000*l.* to complete the buildings, there will probably be a balance of 16,000*l.*, which will nearly pay everything due for the machinery up to the present time.

292. Are the Committee to understand that, in your conversation with Sir James Graham, you did not conceive that the machinery was requisite or was included in the estimate of the machinery you gave ?—Certainly, the Committee are so to understand me.

293. And that afterwards you were informed that the machinery would be required ?—Certainly ; I was informed by the accountant-general, I think it was some time in the month of July, that Sir James Graham was very much surprised that the estimate for machinery had not been included in the estimate I sent him ; I expressed my regret, because I did not understand it was then required. Then I was told that I was to put in chairs and everything, and I have done so ; and in the estimate of 106,000*l.*, there is a sum for contingencies added.

294. Can the order for that machinery be countermanded without any loss to you, or has any progress been made in it ?—With respect to the mill machinery, everything is finished and ready to be sent away ; the bakehouse machinery has been stopped ; and from the very day that we received our orders to stop it, there our charge against the Board ceases.

295. Bearing in mind the present state of the works, how much of the machinery is ordered, how far the work has advanced, would you with a view to the public interest recommend the completion of it ?—I should say that it is a most advisable thing to complete it in the way it now is begun.

296. Have you any doubt about it ?—I have no doubt in my own mind that it would be the most advisable thing for the public that it should be completed.

297. Are not the buildings adapted for the erection of the machinery ?—Precisely so.

298. And has not the whole plan of the work been conducted with a view to that machinery ?—Precisely so.

299. And a large proportion has been provided ?—Yes.

300. Have you any doubt that it will be cheaper to erect the whole and complete it now, than it would be hereafter ?—I have no doubt that it will be the most advisable thing to complete it now.

301. Have you any doubt, knowing the state of the accounts, that a further vote of 110,000*l.* will cover the whole ?—I am satisfied it will ; for in everything that has been done, where the original plan has been adhered to, I have always come within the estimate.

302. If

302. If Parliament were to vote 110,000*l.*, you have no doubt by the 31st of March 1833, the whole buildings and machinery included would be completed according to the original plans, and paid for with that money?—I cannot speak exactly as to the time, but I have no doubt in my own mind that the sum of 110,000*l.* would complete it, and that there would be something to spare.

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303. Including paving, lamps and all the extra charge?—Everything; because that estimate which was sent in for fixing the machinery is certainly a large estimate, and it was done upon the principle, not that the Board should pay that sum, but merely that they should not be called upon to pay any sum hereafter. I think there would be a saving in fixing the machinery, and I have no doubt that 110,000*l.* would include everything.

304. Do you concur in the opinion delivered by Mr. T. Watt, in his letter to Mr. Barrow, relative to the proper method of keeping the machinery fit for use?—I perfectly agree with Mr. Watt in that, and I have no doubt that in the end it will be the most economical plan to complete the plan now.

305. Though in time of peace neither the bakehouse nor brewhouse were used, yet with a view to use both in naval war, would you recommend the measures for its preservation being carried on?—Yes.

306. Supposing that hereafter it should be necessary during war to erect the machinery according to the original plan, is it your opinion with a view to the public economy, that it would be better to erect it now?—Not a question about it; for instance, the contractor at the present moment having all his materials on the ground, there would be a much greater saving in finishing those works now than if you have a fresh contractor hereafter, because the former could adapt his different timbers and his stone work to the machinery and to the parts that want it; on the contrary, if you dismiss this contractor you must leave part of the works uncompleted, and hereafter have fresh contractors, with fresh materials to complete that, all of which can be done cheaper and better now.

307. Does that apply to the internal fittings?—Not to the coppers and the coolers.

308. Might they be postponed?—Yes.

309. Is that so with the baking machinery?—That is only half done.

310. Is that of metal?—Yes.

311. Might that be deferred?—Certainly.

312. Is it suspended now?—It has been for several months.

313. Is it not that sort of metal machinery which is likely to last for a great time?—There is a good deal of polish upon it that requires it to be packed up in boxes; provided you went to that expense, there is no necessity for finishing the whole now.

314. Without entering into the propriety of the original establishment at Cremill Point, you state that it would be more advantageous to the public interest in every way to complete the buildings now, than to leave them in the state in which they are at present?—I have not a doubt of it.

315. Would it be possible to use the buildings in their present state, for the service of the public, except as common stores?—I may first premise the answer by stating that you are compelled to finish the buildings, by having a contract to the amount with the contractor; but even supposing you had no contract, I should say, considering the very forward state they are in, it would be most advisable to finish them off, as I do not see how you could stop. The only work in progress is the mill, and that is two stories up, and everything else is roofed in.

316. The only point which is an open point is the machinery?—Yes.

317. The buildings being contracted for, with a view to the erection of the machinery, is it not cheaper, and is it not better while the building is proceeding to fit the machinery?—Yes.

318. In that answer do you include the baking machinery?—If it is proved that the baking machinery is a saving upon the whole, then I say, finish the baking machinery off too; 19,000*l.* of the 26,000*l.* for the mill building, arises from additional stowage room having been given, first of all on account of the slop department, which originally never belonged to the victualling department, being transferred to it, it became necessary to make a large addition to the stowage, and it was also found that the granary room at Deptford mill, having only accommodation for 2,000 quarters, was only half sufficient, therefore it became necessary to provide additional stowage room and additional granary room, to the amount of 4,000 quarters, that makes a difference of 18,394*l.* alone.

Sir John Rennie.

7. March 1832.

319. Do you think 110,000*l.* is a safe sum to vote?—I have no doubt it would be ample. I should say that less would do; but at the same time there is a project with respect to Firestone Bay; if you give up that, I should say that sum is quite sufficient.

320. Is that a necessary part of the work which is now projected?—Not in the least. The object of the project with respect to Firestone Bay, is to allow boats not being able to get round the point, to take the provisions from Firestone Bay.

321. Would not that cost about 12,000*l.*?—Yes.

322. Putting that out of the question, you think 110,000*l.* will decidedly cover all the buildings and all the machinery?—It will be ample, and it will cover the machinery, paving and everything I can conceive.

Mr. Commissioner *Edgcombe*, called in; and Examined.

Mr. Commissioner
Edgcombe.

323. YOU have long been a Commissioner of the Victualling Board?—I have.

324. About how many years?—One and twenty years.

325. Have you been a Commissioner during the whole time that the works at Deptford, Weevil and Cremill have been in progress?—I have.

326. Before the commencement of the Deptford corn-mill, Weevil and Cremill, has the question of the propriety of commencing them been discussed at the Board?—The Cremill has, but I do not speak positively about Weevil; the Deptford was very much discussed.

327. Was the propriety of commencing the work at Cremill upon its present scale, ever discussed at the Board?—Decidedly; it was discussed in consequence of a proposition being made by a committee of which I was a member, who first recommended the spot for a victualling yard in a report to the Victualling Board, who transmitted that report to the Admiralty; and in consequence of that, the Admiralty ordered it to be surveyed, and the first survey I hold in my hand.

[*The Witness produced the same.*]

328. What was the date of the first report of the committee?—The committee that recommended the survey, was in November 1822; in February 1823 we received the verbal instructions of the Admiralty, through the chairman, to survey the place completely, and to make a report upon it, which report I think we made in the following June.

329. Was that report in favour of the work on its present scale, and according to its present plan?—The report spoke generally of the establishment. The first idea was merely to substitute this spot for Southdown, as a brewery and cooperage, but we were ordered to prepare a plan for a complete victualling establishment, concentrating the whole in case this should be required hereafter.

330. The plan therefore, after you first recommended it, was enlarged?—No; the first plan embraced the whole of it; it might be built as the Admiralty pleased afterwards, but it was to embrace everything that could be useful. Our premises were scattered at the time, and I had seen the evils of that, in having a divided superintendence.

331. Having fixed in the Board a general outline of the plan, whom did you employ to furnish you with specifications?—The specifications were furnished by Mr. Rennie.

332. Were the orders for furnishing the specifications from the Board?—I believe not; the chairman was the medium of all the communications with the Admiralty, and I understand that the Admiralty directed Mr. Rennie should be employed.

333. Then it was not discussed by the Victualling Board?—No, we never conceived that we had a negative power.

334. In what capacity was Mr. Rennie employed?—Mr. Rennie was employed occasionally to go down and survey; first, to make plans and surveys there, then to survey certain parts of the works as they went on, at certain times, perhaps twice a year.

335. Did the Victualling Board, before Mr. Rennie drew the working plans and specifications, point out to him the extent of the establishment with reference to the supply both of beer and of bread, or did Mr. Rennie suggest the extent himself?—We sat down together, and went all over the ground together; the plan was drawn and the estimate was made on the quantity of storeroom required, which was about 24,000 tons, but in time of war we were obliged to hire stores in the town of Plymouth,

mouth, where of course the provisions were liable to great depredation, and certainly not so safe in the town. Mr. Commissioner
Edgcombe.

336. Are the Committee therefore to understand that you furnished data to Mr. Rennie of the scale of the intended establishment, or did he suggest to the committee the scale?—We furnished him the scale; we furnished him with the quantity of provisions to be stowed.

7 March 1832.

337. And he furnished the plan and specifications accordingly?—Yes.

338. What has been the established practice with the Victualling Board, prior to the works at Deptford, Weevil and Cremill, with respect to the plans and specifications; has it been your practice to advertise for public tenders, or to make private contracts for such works?—I do not remember such works before, prior to the year 1822.

[It did not occur to Mr. Edgcombe until after he had left the committee-room, that in 1816 a considerable part of the wharf wall at Deptford was rebuilt under the immediate directions of the late Mr. Hobbs, the inspector of works, and the occasional superintendence of the late Mr. Rennie, by Messrs. Jolliffe & Banks (on open contract by public tender) upon prices and specifications approved by Mr. Rennie. About the end of 1817, it being determined to extend the new wharf wall to the eastern extremity of the yard, Messrs. Jolliffe & Banks proposed to carry on the wall at the prices and agreeably to the specifications of their contract of the preceding year (1816), and Messrs. Rennie and Hobbs having reported that it would be for the interest of the public, both as regarded moderation of price and due execution of the work, to continue the present contractors, the same was agreed to by the Board, and the work was completed by Messrs. Jolliffe & Banks.]

339. Since 1822 what has been the practice of the Board; has it been to advertise for public tenders, or to make private contracts?—In the first instance, with regard to the works in question, we advertised for public tenders for Cremill.

340. Did you adhere to that practice of advertising for public tenders, or did you depart from it?—We departed from it as soon as the works were in progress; and Mr. M'Intosh was invited to send in his prices, and they were to be checked by Sir John Rennie. It was deemed more advisable to take that course than to advertise for public tenders, it was thought more economical in consequence of Mr. M'Intosh having all his machinery upon the spot; all his apparatus for workmen, his cranes, his furnaces, and everything of that kind, and his steam-engines, that nobody could possibly do it as cheap as he could; that was the subject of frequent conversation, and frequent remarks.

341. Was that discussed at the Board?—That was certainly discussed at the Board.

342. And the members of the Board coincided in that?—Yes.

343. Was there any minute made upon the subject?—No, I think not.

344. Was the Admiralty consulted?—I have no doubt of it.

345. Was there any communication between the Victualling Board and the Admiralty before a settlement was made of the bargain with Mr. M'Intosh?—I do not know whether there was or not.

346. Were the communications between the Admiralty and the Victualling Board, on the subject of these works at Deptford, Weevil and Cremill, generally verbal communications, or written communications?—Sometimes in writing, but frequently verbal.

347. Was the question of employing Messrs. Rennie to furnish the machinery discussed at the Victualling Board?—I never understood that it was discussed there; I understood that it was settled at the Admiralty.

348. You, being Commissioner of the Victualling Board, never heard that matter discussed at the Board?—I never heard it but as a matter of conversation, and I perfectly recollect saying, as a matter of conversation, that it was very curious Sir John Rennie being employed; I was answered, no man could do it so well; that he was subject to the same ordeal that any other person would be; that he had made all the plans of the place, and that no man in fact could do it so well.

349. This was matter of general conversation, not of official deliberation?—Yes.

350. Had any member of the Board, to your knowledge, the power of applying a negative if he thought fit?—I never heard that he had; I believe that is admitted in one of the letters.

Mr. Commissioner
Edcombe.

7 March 1822.

351. When were you first informed officially as a member of the Board, that the order had been given to Messrs. Rennie to furnish the machinery for Cremill?—I do not remember any official communication; I conclude the subject was mentioned by the chairman.

352. In what way were the Board first informed that the machinery had been ordered of Messrs. Rennie & Co.?—The machinery was ordered by the Board in consequence of communications from the chairman.

353. When the order was given to Messrs. Rennie to furnish the machinery, was any previous bargain made with Messrs. Rennie relative to the price at which it was to be furnished?—No, I understood it to be impossible; it was intended that his bills should undergo the same ordeal and the same investigation as any other tradesman's would.

354. Was any bargain made with Messrs. Rennie at the time the order was given for making the machinery for Cremill with respect to the inspection of the machinery during its erection, or at its completion?—No, nothing I apprehend was said to him on the subject, because we considered him like any other tradesman who made out his bill, and that it would be inspected in proper time.

355. Did it occur to you, or to any other member of the Board, that there was this difference in the case of Cremill, as distinguished from the cases of Deptford and Weevil, that in the case of Cremill Sir John Rennie had furnished the plans and specifications, and was the superintendent of the work generally, and that at Deptford and at Weevil he was not so employed, either as superintendent or to furnish the drawings and specifications?—The rough plans of Cremill were in the first instance drawn out by others, and Sir John Rennie only put our ideas together upon the subject; the suggestions came from us; the outline was sketched by other people; he only arranged the wharfs and buildings in the way that he was desired to arrange them: he had no interest in it. The plans were laid out by us; they were furnished by (Mr. Hobbs and Mr. Adams) the chairman and by myself, after inquiring into the localities of Deptford and Portsmouth. Sir John Rennie was a mere instrument in our hands, in laying out the yards in the most judicious manner, and placing the wharfs and storehouses in the most convenient situations; he had not a voice or a single thing to say beyond that, but only to put our views upon the subject in a professional shape.

356. In reference to the surveys that you made of the different victualling establishments at Plymouth, they were surveyed by professional persons; Mr. Adams was one, was he not?—Yes.

357. He surveyed the different victualling establishments at Plymouth?—Yes; Southdown principally.

358. And the report which you made on the 23d or 24th of July upon that survey of Southdown, went to state, not the expense of the purchase of Southdown, but the inconvenient situation of that establishment for the victualling of His Majesty's navy?—It also stated the expense of all the articles to be purchased.

359. It did not go to state the expense of the purchase of that property?—I think 30,000*l.* was the purchase-money of Southdown.

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APPENDIX.

— No. 1.—

ESTIMATE of the Expense of forming a New ESTABLISHMENT for VICTUALLING
His MAJESTY's NAVY, at *Cremill Point*.

	£, s, d.
1. TO a wharf wall and basin	69,123 — —
2. To a brewery, with machinery	28,453 — —
3. To a cooperage	16,592 — —
4. To a quadrangular storehouse	38,500 — —
5. To a single	22,142 — —
6. To a landing-shed	7,965 — —
7. To a flour-mill and machinery	30,517 — —
8. To a bakehouse	19,675 — —
9. To a bavin shed	1,000 — —
10. To a slaughter-house	3,500 — —
11. To a porter's lodge and offices	1,800 — —
13. To five officers' houses	5,500 — —
14. To drains	1,840 — —
15. To boundary-wall and paving	3,300 — —
16. To two reservoirs	4,996 — —
17. To cast-iron pipes	4,459 — —
18. To cranes	7,210 — —
19. To contingencies	24,940 — —
	<hr/>
	£. 291,512 — —

London, 13 December 1824.

John Rennie.

— No. 2.—

COPY of Letter from Secretary to Victualling Board to Messrs. Rennie.

Gentlemen,

Victualling Office, 22 September 1830.

I AM commanded by the Board to signify their desire that you will take immediate measures for providing the steam-engines and the whole of the machinery for the corn-mill intended to be erected at Cremill, submitting plans to them of the machinery as soon as practicable.

I am, &c.,
M. Waller Clifton.

APPENDIX TO REPORT FROM

— No. 3. —

Vicualling Office, 25 February 1832.

A STATEMENT of all CONTRACTS and ENGAGEMENTS entered into, and of ORDERS given, previous to the 30th November 1830, for Works, Buildings, Steam-engines and Machinery, to be performed or delivered at Cremill; showing which were then executed, and which were not executed.

Works completed up to 30th Nov. 1830.		Works not completed on 30th Nov. 1830.	
Date of Contract.	Description of the Work.	Date of Contract.	Description of the Work.
15 July 1824	-- Reservoir at Bewes Field, and pipes to the Hospital and yard.	23 Sept. 1824	For a sea wall.
1 Aug. 1826	Reservoir at Cremill.	16 Feb. 1826	Excavation of rock.
13 Nov. 1825	Ordnance road.	4 Nov. 1828	Brewhouse foundation.
- -	Landing-place.	18 Mar. 1830	Brewhouse.
9 Nov. 1826	Sea wall, Fire-stone Bay.	20 Nov. 1830	-- Bakehouse and mill buildings.
16 Feb. 1826	Main sewer.	3 Sept. 1829	Melville store.
17 Nov. 1827	Foundation of Long store.	4 Nov. 1828	-- North sea wall, between certain other points.
4 Nov. 1828	Long store-house.	30 Aug. 1830	Entrance gates, &c. &c.
2 Feb. 1830	Tunnel.	20 Nov. 1830	Cooperage.
1 Aug. 1826	Retaining wall.	- -	Officers' houses.
9 Oct. 1827	Clarence stairs.	By Order of 27 Oct. 1830.	-- Cast-iron pipes to different parts of the yard, and for the more effectual watering of His Majesty's ships.
4 Nov. 1828	-- North sea wall, between certain points.	By Orders of 24 Sept. 1826, 3 Oct. 1828, 22 Sept. 1830, 29 Sept. 1830.	-- The steam-engines, cranes, and machinery, for the brewhouse, mill and bakehouse, were ordered of Mr. Rennie, at these dates.
By Order of the Board, at prices fixed by Sir John Rennie, with reference to similar work in other contracts.	Boundary wall.		

G. A. Chetwynd Stapylton.

W. Burnett.

John T. Briggs.

James Meek.

F. Edgcombe.

— No. 4. —

COPY of Letter from Secretary to Admiralty to the Vicualling Board.

Gentlemen,

Admiralty Office, 3 January 1831.

I AM commanded by my Lords Commissioners of the Admiralty to signify their Lordships' directions to you, to transmit to me a Return of the sums voted by Parliament for defraying the expense of the Works at Weevil, Cremill, and at the Island of Ascension, since their commencement; and an Account of the sums paid in each year for these Works.

I am, Gentlemen, your most obedient servant,

John Barrow.

— No. 5. —

COPY of Letter from the Victualling Board to the Admiralty.

Sir,

Victualling Office, 4 January 1831.

IN pursuance of the directions of the Right Honourable the Lords Commissioners of the Admiralty, signified to us by Mr. Barrow's letter of yesterday, we herewith transmit to you Accounts of the Sums voted by Parliament for defraying the expenses of the Works at Weevil and Cremill since their commencement, and of the Sums paid in each year for those Works. And we beg, at the same time, to observe, that the Account respecting the Island of Ascension is in preparation, and will be forwarded as soon as possible.

We are, &c.

*Isc. Wolley,
F. Edgcombe.*

Victualling Office, 4 January 1831.

AN ACCOUNT of the Sums voted by Parliament for defraying the expenses of the Works at Cremill since their commencement, and an Account of the Sums paid in each year for those Works.

—	SUMS VOTED.			SUMS PAID.		
	£.	s.	d.	£.	s.	d.
1823 - - -	-	-	-	104	12	7
1824 - - -	-	-	-	28,573	11	4
1825 - - -	16,000	-	-	10,857	7	4
1826 - - -	20,000	-	-	21,780	3	5
1827 - - -	10,000	-	-	21,598	14	9
1828 - - -	8,000	-	-	46,186	1	3
1829 - - -	10,000	-	-	43,903	1	1
1830 - - -	10,000	-	-	76,438	5	8
	£.	74,000	-	249,441	17	5

The above Sums Paid include the original purchase-money of the site of the premises, and the expenses of constructing the Reservoir in Bewes Field, from which the Naval Hospital is supplied with water.

— No. 6. —

COPY of Letter from the Admiralty to the Victualling Board.

Gentlemen,

Admiralty Office, 17 January 1831.

I am commanded by my Lords Commissioners of the Admiralty to signify their direction to you to cause the malt and hops now on hand to be brewed into the stronger kind of beer, and to report when it has been done, that directions may be given for the discontinuance of brewing, and the reduction of the Establishments; and I am further to signify their Lordships direction to you, when the brewery at Cremill Point shall be finished, not to cause any internal fittings to be undertaken until further orders.

And their Lordships desire me to acquaint you, that it is their intention that no beer shall be issued after the stock in hand shall be expended, and that two-thirds spirits and one-third wine, as long as the stock of the latter lasts, are to be issued until further orders.

I am, Gentlemen, your most obedient servant,

John Barrow.

— No. 7. —

COPY of Letter from the Admiralty to the Victualling Board.

Gentlemen,

Admiralty Office, 20th January 1831.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith copy of a letter from Mr. Rennie, stating the sum which will yet be required to complete the buildings at Cremill Point; and I am to signify their Lordship's direction to you to state how you can explain the large sum which is still required for these Works.

I am, Gentlemen, your most obedient servant,

John Barrow.

(Enclosure.)

Sir,

London, 20th January 1831.

In consequence of your directions of the 8th instant, I beg to observe, that with regard to Cremill Point establishment, the sum already expended in my department amounts to 218,675*l.*

The sum that will be required to complete the buildings will be 106,530*l.*, from which should be deducted the value of the old establishment, estimated at 30,000*l.*

The whole may be finished by the end of next year; and the sum required for the ensuing year will be 50,000*l.*, unless there is any surplus unexpended.

I am, &c.

The Right hon. Sir James Graham, bart.

(signed) *John Rennie.*

— No. 8. —

COPY of Letter from the Victualling Board to the Admiralty.

Sir,

Victualling Office, 21st January 1831.

MR. BARROW having signified by his letter of the 15th instant the directions of the Right honourable the Lords Commissioners of the Admiralty that we should state what sum will yet be required for completing the Works at Cremill Point, and Mr. Barrow having by his further letter of the 20th instant, transmitted to us the copy of one from Mr. John Rennie, stating that the sum of 106,530*l.* will yet be required to complete the buildings at that establishment, and signified their Lordships directions to us to state how we can explain the large sum which is still required for these Works; we request you will be pleased to refer their Lordships to our letter to Mr. Croker, of 30th August last, in which it was expressly stated, as one of the reasons for recommending the early completion of the whole of the buildings contemplated at Cremill, that by doing so, the value of the old premises at Plymouth would be brought to account at least 18 months earlier than otherwise, namely, in the present year. The value of those premises so to be brought to account, we presumed, would be about 30,000*l.*; and therefore we proposed in the same letter that we should insert 15,000*l.* on the Estimates of the present year, and 25,000*l.* on the Estimates of the next year, which several sums we supposed would be nearly sufficient to meet the whole expense which would remain to be incurred after the close of the late year; and that, according to the practice of former years, any moderate deficiency might be made up from any surplus of grants to this Department which might arise from savings under other heads which we might be able to effect. That supposition, however, was formed in the belief that a larger portion of the works at that time in progress would be completed, measured up, and paid for in the course of the then current year, than proved to be the case, owing to unlooked for delays in the delivery of the iron-work of some of the buildings, and various other causes.

The present Estimate formed by Mr. Rennie does not include any works which were not before sanctioned; and although the sum remaining to be provided in the present and future year is larger than we had calculated upon, yet we have the satisfaction of believing that the total cost of the new establishment at Cremill, even including some works not at first contemplated which have been executed, will not be far wide from the original Estimate which was stated to Parliament as the probable expense which it would ultimately occasion.

We are, Sir, your most humble servants,

*G. A. Chetwynd Stapylton.
Isaac Wolley.*

— No. 9. —

COPY of Letter from the Admiralty to the Victualling Board.

Gentlemen,

Admiralty Office, 24 January 1831.

I HAVE received and laid before my Lords Commissioners of the Admiralty your letter of 21st instant, relative to the expense of the Works carrying on at Cremill Point, and I am commanded to signify their Lordships direction to you, that in all future Estimates from your Board the entire sum be included in the vote submitted to Parliament which you believe to be really necessary, and that the practice of former years be entirely discontinued, whereby "moderate deficiencies" under one head have been made up from the surplus of other grants in the general Estimate.

I am, &c.

John Barrow.

— No. 10. —

EXTRACT from the REPORT, dated 30 April 1831, of the Committee of the Victualling Board that visited Plymouth.

CREMILL:

The Committee were much gratified in observing the great progress which has been made in the new Works at Cremill since the last visitation; and at the satisfactory manner in which the works still in hand are advancing towards completion.

The plan and arrangement of the Yard appears as unexceptionable as its most sanguine advocates can have expected; and, in about a year and a half from the present time, the Committee expect that the Board will have at this important Port an establishment capable of any exertions which the Public Service may require, with local advantages that few establishments in the world possess.

The last Monthly Report of the progress of the Works, (Appendix, No. 6), shows the state in which the Committee found the several Works; and as the Long Store is already complete, and great part of the Melville Store, including the Officers' Offices, and the whole of Clarence Wharf, will be finished by the 30th June, the Committee have no doubt that, under the judicious arrangement of Sir James Gordon, the service of this Department may be carried on at Cremill from that time; and with this feeling they repeat their recommendation that the transfer of the establishment should be generally made on the 1st July, depositing here previously all stores and provisions which can by degrees be moved from the Victualling Yard.

The Committee, in addition to their preceding observation respecting Melville Store, have to observe, that the two upper floors of this magnificent storehouse, and the offices, will be completed in two months. The ground-floor has been detained by want of paving stones, but was proceeding rapidly, and in fact every part of this storehouse will be finished in four months.

The Committee directed that a part of the ground-floor of the north-east angle of this store should be boarded with oak, for about 30 feet, in order that it might be used as the receiving and sale room.

All these works were in progress, and will be completed by the 31st December next.

These works were rapidly advancing and will be completed in three months.

Nearly completed, with the exception of the coping, and will be entirely finished by Midsummer.

Completed up to the ground line. Materials were rapidly collecting for proceeding, and stone to the amount of 5,000 l. for these buildings had been paid for. Some delay had taken place in consequence of the drawings not having been furnished, but the obstacle having been removed, the buildings will be gone on with without delay, and the whole will be completed by Midsummer 1832.

The Committee decided that the ovens should be on each side of the bakehouse, instead of in the centre, so as to admit more readily of the machinery being introduced.

The erection of the brewhouse building was going on fast, but the internal fittings, according to the Admiralty order, will not be put up. It is expected that this building, including the setting of the coppers, will be completed by the end of the year.

The Committee directed that the stillings should be of granite.

Cooperage.

The cooperage and iron-hoop store were also proceeding rapidly, and will be completed within the present year. It will be proper to fix the pickle boiler in an angle of the cooperage, but it must be settled whether leagers or vats are to be used for keeping the pickle in, on which subject the Committee recommend that the Deptford officers should be consulted.

Directions accordingly.

The granite paving of the wharf from the Clarence Stairs in front of the Long-store was complete for one-third of the length of the store. The whole of the wharf will be laid with the same description of granite paving, and will be completed in three months. The Committee also desired that the granite paving should be carried on along the whole wharf in front of the brewhouse to the basin.

Wharf Wall.

The whole of the wharf wall from the Clarence Stairs to the entrance-gate is completed, with the exception of 160 feet between that part which was built within the coffer-dam and the other part which was built with diving-bells, and a small part of the coping of the North Sea wall. Two bells are now at work connecting these two walls, and have done so within about 45 feet, of which 25 feet have been cleared for the foundation.

The wall for about 50 feet more has been brought up within five feet of low water, and 50 feet founded above low water, and the whole wall will be complete by August.

Dam.

The coffer-dam has been partly removed, and the whole will be taken away by the end of the year.

Officers' Houses.

The site of the two officers' houses was finally fixed on the spot originally proposed, and the foundations had been laid : these houses will now proceed rapidly, and it is hoped that they will be finished by Michaelmas.

Mr. M'Intosh agreed to remove the materials of the house in which Mr. Richards resided, and to allow 150*l.* for them, which Mr. Adams considered a fair price.

Sir James Gordon pointed out the necessity of having some means to fill casks with water on the wharf in addition to the hoses from it; and Mr. Rennie suggested that a *font* should be put up in the angle between the north-end of the Long-store and the Brewhouse, of which he will submit a sketch to the Board.

The tunnel, retaining wall, and stairs being completed, the Committee are not aware of any other works which will be requisite at Cremill after those in progress are completed, excepting the wharf or quay, which, since the general plan of the yard was prepared, has been proposed to be constructed in Firestone Bay.

The advantages of such a quay would be very great ; and it is manifest that it could be constructed now when other works are in progress, and when it will be necessary for the Board to provide some place of deposit for the offal stone from Cremill, at much less expense than hereafter ; but the Committee do not propose that this additional work should be undertaken, they only allude to the subject in case the Board should wish to bring the matter under their Lordships' consideration. The cost would be about 8,000*l.* or 10,000*l.*

In concluding their remarks on Cremill, the Committee feel it due to the contractor to state, that the whole of the work has been executed in the very best possible manner, to the entire satisfaction of Mr. Rennie and the officers. He has now 700 men at work on the premises, besides upwards of 200 more employed at the quarries, and he in every way seconds the wishes of the Board to complete the Establishment with expedition.

— No. 11. —

COPY of Letter from the Admiralty to the Victualling Board.

Gentlemen,

Admiralty Office, 16 May 1831.

WITH reference to your letter of the 11th inst., transmitting the copy of a Report made by a Committee of your Board who have recently visited the Victualling and Medical Establishments at the Ports of Portsmouth and Plymouth, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, that they are pleased to approve of the proposals of the said Committee for consolidating the offices of Clerk of the Cheque and Storekeeper of the Victualling Yards at Portsmouth and Plymouth, and the offices of the Agent and Steward of the Hospitals at those Ports, from the 1st July next ; and also that the Storekeepers in the Victualling Yards at Portsmouth and Plymouth shall be allowed salaries of 500*l.*, and the Agents at the Hospitals salaries of 400*l.* per annum each ; and with regard to the old Victualling premises at Plymouth, my Lords direct that you take measures for offering them at public sale in the month of August, and in lots as proposed.

I am, Gentlemen, your very humble servant,

John Barrow,

— No. 12. —

COPY of Letter from the Admiralty to the Victualling Board.

Gentlemen,

Admiralty Office, 18th May 1831.

I HAVE received and laid before my Lords Commissioners of the Admiralty your Report of Visitation, and also of Dr. Burnett's, and I am directed to acquaint you, that their Lordships approve of the orders you have given at the several places visited; and with regard to the expenses attending the annual repairs of works, or alterations, I am to signify their directions to you, previously to making out the Victualling Estimate for the year, to submit an abstract of the expense likely to be incurred on the several Works in the course of that year.

I am, Gentlemen, your very humble servant,

John Barrow.

— No. 13. —

COPY of Letter from the Admiralty to the Victualling Board.

Gentlemen,

Admiralty Office, 17 June 1831.

I AM commanded by my Lord Commissioners of the Admiralty to send you herewith an Extract from the Report of the Select Committee of the House of Commons appointed to consider the Water Communication in Canada; and I am to signify their Lordships' directions to you, to follow implicitly the rules there laid down for the controul over the expenditure of money for Public Works of whatever description that may be undertaken by your Department.

I am, Gentlemen, your most humble servant,

John Barrow.

(Enclosure.)

EXTRACT from the Report of the Select Committee appointed to consider the Water Communication in Canada.

Your Committee are distinctly of opinion that some additional security is required for the purpose of giving to Parliament a more early and effectual controul over expenditure of the description of that under consideration. With this view, they submit the following resolutions to the House:—

1st. That no public work of any magnitude shall be undertaken except on a survey and estimate made by an officer acting under the orders of some responsible department.

2d. That on the first application for a vote of money, an estimate of the sum likely to be required for the whole work shall be laid before the House.

3d. In cases which require more than one year for their completion, and where money is proposed to be voted on account, there shall be submitted to the House in each year, and before the vote is proposed, a statement of the sums already voted, of the money actually expended up to the date of the last accounts, of all outstanding demands, and of the sum still wanting to complete the work; and any deviation from the original plan, or any contemplated additions to the magnitude or expense of the whole work, shall be inserted in the Estimates of the year.

4th. No department of the Government shall authorize any officer to enter into contracts for any work beyond the limits of the annual grants of survey, without the sanction of a Minute of the Board of Treasury, which shall with as little delay as possible be laid before the House.

— No. 14. —

COPY of Letter from the Admiralty to the Victualling Board.

Gentlemen,

Admiralty Office, 14 September 1831.

I AM commanded by my Lords Commissioners of the Admiralty to signify their direction to you to state, for their Lordships' information, what proportion of the monies voted for Cremill has been expended; whether the sum remaining unexpended will complete the works: if not, what is the estimated deficiency; and if any more money has already been expended than the amount of the Vote.

I am, Gentlemen, your most obedient servant,

George Elliot.

— No. 15. —

COPY of Letter from Secretary to Victualling Board to Sir John Renuie.

Sir,

Victualling Office, 14 September 1832.

IN pursuance of *immediate* directions from the Lords Commissioners of the Admiralty received this day, I am commanded by the Commissioners for victualling His Majesty's Navy to signify their direction to you, to furnish them as soon as possible with a Statement showing the probable amount of the sums which will become payable to Mr. M'Intosh, the contractor for carrying on the Works at Cremill, from this time to the 31st March 1832, for works now performed and materials delivered, but remaining unpaid for, and for works which will probably be performed and materials delivered, to which the contractor will be entitled to payment, in part or in whole, prior to the 31st March 1832.

It will not be necessary to notice the reserves upon the payments already made, any further than with regard to those upon works which will probably be completed before the time mentioned, so as to entitle the contractor to the balances thereon.

As it is desirable that this Statement should contain a full exhibition of the sums which this Department may be expected to be called upon to pay between this time and the 31st March next, the Board recommend that it should be prepared in concert with the contractor or his agent, so that in case he should have any claims of a doubtful nature, the points in dispute may be settled at once, and thus avoid the inconvenience to which this Department may be subjected by being called upon (notwithstanding this precaution) to pay sums, before the 31st March next, exceeding those which may now be calculated upon.

In this Estimate you are also to include any further sums which may be payable or advanced to you between this time and the 31st March next.

In addition to and separate from the above, you are to send a Statement of the sums which will afterwards be necessary to be paid completely to finish all the works now contemplated to be executed at Cremill, the payments for which will not now become due till after the 31st March next, including a final settlement with you and those whom you may employ for machinery, &c. &c.

I am to add, that a copy of this letter has been sent to Commissioner Sir James Gordon, in order that he may direct Mr. Richards, and Mr. Adams, and the contractor's agent, to be prepared to furnish you with all the information you may require to enable you to complete this statement with the utmost possible dispatch.

I am, &c.

M. Waller Clifton.

— No. 16. —

COPY of Letter from the Admiralty to the Victualling Board.

Gentlemen,

Admiralty Office, 21 September 1831.

I AM commanded by my Lords Commissioners of the Admiralty to signify their direction to you to suspend all contracts for work, and all outlay at Cremill and Weevil, until you have answered the inquiries of their Lordships contained in my letter of the 14th instant.

I am, Gentlemen, your most obedient servant,

George Elliot.

— No. 17. —

COPY of Letter from the Victualling Board to the Admiralty.

Sir,

Vicualling Office, 26 September 1831.

WE duly received your letter of the 14th instant, signifying the directions of the Right honourable the Lords Commissioners of the Admiralty that we should state, for their information, what proportion of the monies voted for Cremill has been expended; whether the sum remaining unexpended will complete the works; if not, what is the estimated deficiency; and if any more money has already been spent than the amount of the Vote. And in reply thereto, we request you will be pleased to inform their Lordships that we were engaged in this investigation prior to the receipt of their Lordships' directions, and that having since had personally before us Sir John Rennie upon this subject, we must request their Lordships will allow us to suspend giving a detailed reply to their inquiries as regards these works until the return of Sir John Rennie from Cremill, he having, by his letter of the 23d instant, of which the enclosed is a copy, informed us that he cannot furnish the whole of the required information without personally examining the measurements and accounts of the works. Their Lordships, however, will observe, by Sir John Rennie's letter, that although the statements, made by the contractor and his agent on the spot, of the sums which they conceive to be due to them upon parts of the works completed, but not measured off, would lead to the conclusion that the total sum which will be required for completing the works will greatly exceed the Estimate given by Sir John Rennie in his letter to Sir James Graham in January last (on which the sum of 55,000*l.* was inserted on this year's Estimate, with a notation that 55,000*l.* more would be required next year), he (Sir John Rennie) is "at a loss to comprehend the cause of the difference between his estimate and that of the contractor's agent, the more so because up to the present time the various works at Cremill have generally been executed within the estimates, and when they have exceeded them, it has been so trifling as to be scarcely worthy of remark; and because his estimates of January were founded upon the actual cost of the Long Storehouse, which, although executed in a manner superior to that first proposed, cost only 23,575*l.*, whereas it was estimated at 23,910*l.*"

We beg to add, that the sum so expended since the 1st April last has been 39,196*l.* 18*s.* 3*d.*, and consequently there is still remaining of the vote for the present year the sum of 15,803*l.* 1*s.* 9*d.* applicable to the payment of the works in progress; and we shall lose no time in making a full report on every point comprised in their Lordships' inquiry with regard to these works, on receiving Sir John Rennie's report.

We are, Sir, your most humble servants,

G. A. Chetwynd Stapylton.

J. T. Briggs.

F. Edcombe.

(Enclosure.)

Honourable Sirs,

London, 23 September 1831.

I HAVE to acknowledge your Honourable Board's letters of the 14th and 17th instant, requesting to have an explanatory statement as to the sums expended at Cremill Point during the present year, and the sums that will be required to carry on the works until March next. I beg to observe, that the statements of the contractors differ so materially from ours, that I am at a loss to comprehend the cause of the difference, the more so because up to the present period the various works at Cremill have generally been executed within the estimates, and when they have exceeded, it has been so trifling as to be scarcely worthy of remark. The estimate sent to Sir James Graham in January last was founded upon the actual cost of the Long Storehouse, which, although executed in a superior manner to that first proposed, nevertheless cost only 23,575*l.*, whereas it was estimated at 23,910*l.*; the quadrangular and other buildings are contracted for at lower prices than those paid for at the Long Storehouse. Before, therefore, I can reply to your letter, I must proceed to Plymouth, to examine into the whole of the measurements and accounts, and will lose no time in reporting the result for your consideration.

I am, Honourable Sirs, your most humble servant,

John Rennie.

— No. 17. a. —

COPY of Letter from the Secretary to Victualling Board to Sir John Rennie.

Sir,

Victualling Office, 17 September 1831.

WITH reference to my letter of the 14th instant, I am commanded by the Commissioners for Victualling His Majesty's Navy to refer you to your's of the 20th of January last to Sir James Graham, stating that the sum required for the present year for the Works at Cremill would be 55,000*l.*; and as bills to the amount of about 65,000*l.* have already been made out since the date of *your* estimate to the contractor or to yourself on account of these works, as there are reserves to the amount of upwards of 8,000*l.* unpaid, and as the contractor has stated verbally that he has large sums now due to him (probably between 20,000*l.* and 30,000*l.*) besides what may accrue hereafter; I am to call your attention to these circumstances, in order that the report which you have been called upon to render may embrace every expense connected with these Works for which this Department may be liable to provide funds. If you wish for any information from this office which it may be necessary for you to incorporate in your report, the Board will be perfectly ready to cause you to be furnished therewith.

In order that you may have in your possession every information which bears upon this question, I enclose you a copy of the rough account of the probable expense of completing the Works at Cremill, furnished on the 17th January last by Mr. Richards, your resident engineer at Cremill, making it amount to 161,000*l.*; whereas in *your* letter of the 20th of that month before-mentioned, you stated your opinion that the amount would only be 106,530*l.*; it would, of course, be proper that these differences should be reconciled. It would be desirable also to have a comparative statement, showing (under the several heads of expense) the amount of the original estimate, and the cost, or estimated cost, when completed; and giving the cost of the additions or alterations since made, as well as allowing for the value of such of the houses or other works included in the original estimates but not intended to be proceeded with. In fact, the Board are desirous of having the *whole* subject completely before them, which, from the present state of the works, they apprehend may now be done with *considerable* accuracy.

I am, &c.

(signed) M. Waller Clifton.

(Enclosure.)

A Rough Account of the probable Expense of completing the undermentioned Works at Cremill Point, exclusive of the several sums already paid.

	£. s. d.
Melville store - - - - - - - - - -	9,000 - -
Brewhouse - - - - - - - - - -	37,000 - -
Cooperage - - - - - - - - - -	23,000 - -
Slaughter-house, Entrance-gate and Warden's house - -	10,000 - -
Bakehouse and Mill - - - - - - - - - -	54,000 - -
Officers' houses - - - - - - - - - -	5,000 - -
Pitching-yard - - - - - - - - - -	10,000 - -
West Sea Wall - - - - - - - - - -	1,000 - -
Retained on the North Sea Wall contract - - - - -	2,500 - -
Laying pipes and contingencies - - - - -	9,500 - -
	<hr/>
	£. 161,000 - -

January 17th, 1831.

(signed) P. Richards.

— No. 18. —

COPY of Letter from the Admiralty to the Victualling Board.

Gentlemen,

Admiralty Office, 10th October 1831.

I AM commanded by my Lords Commissioners of the Admiralty to signify their direction to you, to transmit to me, for their Lordships' information, within one week of the commencement of each succeeding month, (beginning by sending one for the last month,) an account of the *actual* receipts and payments by the Treasurer of the Navy on account of your Department, during each preceding month, in the annexed form (marked A.).

At the back of the accounts in question is to be inserted the total amount paid under each head as voted specially by Parliament, so far as the same can be done, which their Lordships are aware will in this account be confined principally to those payments at home which are for *specific* and ascertained supplies, services, or works; and their Lordships are also aware that there will (in these monthly accounts of mere actual receipts and payments) be an accumulating amount on the face of them, of sums imprest, and other monies advanced; but their Lordships nevertheless wish that such sums should appear on these accounts in the shape of mere advances, because in the *Quarterly Balance Sheet* such part of these advances as have been disbursed and brought to account will appear as expenditure under the proper heads of the Estimates, and the remainder will there appear (or must be made to appear) as imprest outstanding against the sub-agents, until their accounts are examined and passed.

In order likewise that their Lordships may be put into possession of the state of the cash accounts in your Department, a list is to accompany every monthly account, showing against every account (rendered by permanent, regular and principal sub-agents, clerks of the check, storekeepers, &c.) the date up to which each account is examined and finally passed.

For the purpose of avoiding too minute detail, their Lordships wish to confine this statement (a sketch of which is given in the annexed Form (B.)) to the regular principal accounts. But as it is desirable to have a general exposition of the state of the small promiscuous accounts, such as those of pursers, consuls, &c., their Lordships leave it to you to render such a compressed exposition thereof as you may be able to devise in the most convenient form; taking care however to insert in each monthly list the number of these accounts, of each description, passed since the first day of the year, and the number in the office unpassed.

Their Lordships further direct, that for the purpose of preventing as much as possible an excess of expenditure beyond the Estimates, no Visitation Committee (and more especially no individual Commissioner,) shall give orders for any works to be executed, or service to be performed; but they shall report fully all information obtained on the spot, and lay the necessary plans, and in particular the estimates of expense, before the Board, in order that official directions may be issued, subject always, in cases of magnitude, to the controul and previous approval of the Board of Admiralty.

For the purpose of imposing upon the Members of the Board the responsibility to which they are justly liable, all minutes sanctioning any outlay are to be signed with the initials of the Members present, or at least two Commissioners, as well as all orders for money payments authorized by the Board at large; but the Accountant-General will (on the principle of individual responsibility,) direct all payments under contracts or agreements, or when the outlay has been previously sanctioned by the Board; and he will take the sense of the Board in all other cases, viz. those of a novel, important, difficult or doubtful nature.

Notwithstanding former orders, all letters to the Admiralty, Treasury, Secretaries of State, Treasurer of the Navy, Inspector-General of Marines, Navy and Ordnance Boards, War-Office, and other Public Boards; to Commissioners, Agents and Storekeepers resident at the Victualling Establishments at home and abroad; to Admirals, Captains and Commanders, (except letters merely acknowledging the receipt of letters, accounts and papers,) to contractors and tradespeople, are to be signed by two Commissioners; but letters to lieutenants, surgeons, pursers, and persons of inferior rank to them, are to be signed by the Secretary; as well as letters to persons of all ranks, merely owning the receipt of letters, accounts and papers.

But though the Commissioners will in future be required to sign orders and letters which have for about two years past been required to be signed by the Secretary, my Lords direct that all letters and orders be laid before the Secretary when written, before they are signed, by the Commissioners, not only in order that he may be made acquainted with the whole business of the Department, but that he may see that the orders and letters are properly written; as the Secretary will be held responsible for carrying properly into effect the executive business of the whole office in all its details.

I am, &c.

(signed) Geo. Elliot.

APPENDIX TO REPORT FROM

— No. 19.—

COPY of Letter from the Admiralty to the Victualling Board.

Gentlemen,

Admiralty Office, 28th November 1831.

I AM commanded by my Lords Commissioners of the Admiralty to signify their direction to you, to state the dates of the orders given to Mr. Rennie for the construction of the machinery for the brewhouse and bakehouse at Cremill; to send copies of each contract; and to state whether the prices were fixed by tender or by private bargain; if the latter whether the members of your Board gave a public order for such bargain, and in that case to send a copy of such order; and to state also whether this Board was consulted, or when it sanctioned this arrangement.

I am, Gentlemen, your very humble servant,

John Barrow.

— No. 20.—

COPY of Letter from the Victualling Board to the Admiralty.

Sir,

Victualling Office, 3d December 1831.

THE Right honourable the Lords Commissioners of the Admiralty having been pleased, by your letter of the 21st ultimo, to signify their directions that we should state with whom we have contracted for the machinery at our Yard at Cremill, and on what terms, and also by whom the steam-engine has been made; and their Lordships having been further pleased, by your letter of the 28th ultimo, to direct us to state the dates of the orders given to Mr. Rennie for the construction of the machinery for the brewhouse and bakehouse at Cremill, to send copies of each contract, and to state whether the prices were fixed by tender or by private bargain; if the latter, whether the Members of our Board gave a public order for such bargain, and in that case to send a copy of such order; and to state also whether the Board of Admiralty was consulted, or when it sanctioned this arrangement. We request you will be pleased to inform their Lordships, in reply to these inquiries, that the machinery to be used at Cremill has not been contracted for, but has been provided by Mr. George Rennie, whose employment to plan, arrange and design it, as well as to provide it, was sanctioned by repeated personal communications between the late Board of Admiralty and our chairman, as verbally reported by him to the Board, and afterwards directed by the public orders of this Board, communicated in some instances in public documents to the Admiralty, and sanctioned by their Lordships' reply.

The employment of Mr. George Rennie to design the machinery having been so determined on, it would appear to be almost unavoidable to employ him (he being the designer and planner) to provide it; and it was also considered that, even if it were possible (which it would not have been) to avail ourselves of his talents in designing the various complicated machinery in question, and adapting the buildings to the machinery and the machinery to the buildings as the works advanced, and then to contract with some one else for its execution, which perhaps was scarcely possible, so linked together were the buildings and machinery; this course, by which the execution of such important and difficult works would fall to any party who might make the lowest tender, would be less for the interests of the public service than to employ a millwright of Mr. Rennie's reputation. Every part of the proceedings relative to the Works at Cremill was continually brought under the consideration of the late First Lord of the Admiralty and of the Lord High Admiral by our Chairman, and also under the consideration of the Board of Admiralty, some of the members of which, on more than one occasion, went personally into the consideration of every part of the subject on the spot, in conjunction with our Chairman.

Copies of the reports of the Committee of our Board who periodically visited the works during their progress, and on whose proposals most of the orders relative to those works originated, were from time to time forwarded to their Lordships. We proceed now to state, that on the 26th September 1825, by a Board Minute, Mr. Rennie was desired to transmit, as soon as possible, an estimate of the expense of the steam-engines which would be required for the new brewhouse intended to be erected at Cremill Point, and to state his opinion as to the maker of whom it would be advisable to order them. At that time, however, the plan of the brewhouse was not decided on; and in reply, Mr. Rennie stated, by letter of 29th September 1825, that the steam-engine was proposed to be of 14 horse power, of Bolton & Watt's make, and that the estimated cost would be £. 1,298

Freight and fixtures -	250
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<hr/>	£. 1,548
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In

In the Report, however, of the Committee of our Board, who visited Cremill in April 1826, a copy or which Report, dated 1st May 1826, was transmitted on the 5th of that month to Mr. Croker, it was recommended that a steam-engine of 20 horse power should be ordered for the brewhouse, and that the orders for its being provided should be given immediately, as, from the demand at that time for steam-engines, a considerable period would elapse before it could be completed. Accordingly this Board, by minute on the margin of that Report, directed Mr. Rennie to take the necessary measures for providing a steam-engine of 20 horse power. Their Lordships' attention was called to that and other marginal minutes on the same Report. In reply to the above directions, Mr. Rennie acquainted us, by letter of the 21st of May 1826, "that he should give Messrs. Bolton & Watt directions to make a steam-engine of the power of 20 horses, upon the most approved construction, for this purpose." We further beg to state, that on the 3d October 1828, we directed Messrs. Rennie to take immediate measures for providing the machinery for the brewhouse then erecting at Cremill Point; these directions were given on a Board's Minute of that date.

With respect to the machinery for the bakehouse, we beg to state, that in contemplation of the introduction of machinery into the bakehouse at Cremill, Mr. Rennie was authorized, on the 29th September 1830, to agree with the Butterly Company for a small engine, for the sum of 540*l.* suitable for the purpose, similar to one made for the bakehouse at the Royal Clarence Yard by the Horsely Company; and the Committee of our Board, who visited Cremill in April last, having strongly recommended the introduction of machinery of the same description as that in use at Portsmouth, the Board, bearing in mind that in September preceding the steam-engine had been ordered, expressed in their marginal minute on the Committee's Report their intention to give the necessary instructions to Mr. Rennie to provide the machinery accordingly; a copy of that Report was transmitted to you in our letter of the 2d May, and on the 13th of that month the official instructions were conveyed to Mr. Rennie. In transmitting the copy of that Report, their Lordship's attention was called, as usual, to the marginal minutes we had made thereon, and their Lordships were pleased to communicate to us their directions on that Report by Mr. Barrow's letters of the 16th and 18th of May, in the latter of which he conveyed their Lordship's approval of the orders we had given.

It will be apparent from this explanation that the employment of Mr. Rennie for providing the machinery was originally sanctioned and subsequently recognized by the Board of Admiralty for the time being and the Lord High Admiral. No bargains, as to prices, were made with Mr. Rennie; but accurate accounts of the materials, and the time of his men in fitting the machinery, are kept at the Yard, and his charges will be subjected to the same strict examination which has been done heretofore.

In the case of the machinery of our mill at Deptford, which was provided by him, and which, it is due to him to state, has proved of the best description, his charges were examined in detail, not only by Mr. Taylor, but also by Mr. Goodrich, then mechanist to the Navy Board. A similar course was followed in respect to the machinery at the Clarence Yard, and these precedents will of course be pursued in respect to the machinery at Cremill. Copies of the letters before adverted to, to Messrs. Rennie, are transmitted herewith in obedience to their Lordship's directions; and also copies of the letters from the Navy Board relative to the employment of Mr. Goodrich and Mr. Kingston, the master millwright of Portsmouth Yard, in examining Mr. Rennie's accounts.

In conclusion we beg to remark, that the steam-engines which have been provided are two of 45 horse power each, for the mill, with three boilers, by Messrs. Bolton and Watt.

One of the 20 horse power for the brewhouse, with two boilers, also by Messrs. Boulton and Watt; and the one small engine before alluded to of 10 horse power, with one boiler, for the bakehouse, by the Butterly Company.

Messrs. Bolton and Watt's prices for steam-engines have always been regular and fixed with reference to the cost of materials and labour at the time the order for the construction of a steam-engine is given.

We are, Sir, your most humble servants,

G. A. Chetwynd Stapylton.
J. T. Briggs.
F. Edcombe.

W. Burnett.
J. Meek.

(Enclosures.)

No. 1.

Victualling Office, 10 May 1826.

Sir,
REFERRING to the recent inspection which the Chairman of the Board and Commissioner Edcombe, attended by you, have made of the Works now carrying on for the service of this Department at Cremill, and in order that a steam-engine may be in a state of readiness against the period when the intended brewhouse at that place shall be built, I am commanded by the Commissioners of the Victualling Office to signify their directions to you, to take, immediately, the necessary measures for providing a steam-engine of 20 horse power in due time accordingly.

I am, &c.

M. Waller Clifton.

To Mr. Rennie.

No. 1.
10 May 1826.

No. 2.
3 October 1828.

No. 3.
29 September 1830.

No. 4.
13 May 1831.

No. 5.
5 March 1829.

No. 6.
29 November 1830.

No. 7.
20 December 1830.

No. 2.

Sir,

Vicualling Office, 3d October 1828.

I AM commanded by the Board to signify their desire that you will take immediate measures for providing the machinery for the brewhouse now erecting at Cremill Point.

I am, &c.

To Mr. Rennie.

M. Waller Clifton.

No. 3.

Sir,

Vicualling Office, 29th September 1830.

WITH reference to your communication to the Commissioners of the Vicualling Board, that the Horsely Iron Company would engage to furnish and put up two 10-horse power steam-engines for 540*l.* each, and the Board contemplating requiring two such engines, one at Portsmouth and one at Cremill, for working the biscuit machinery on Mr. Grant's plan, I have their commands to signify their desire that you will order two 10-horse steam-engines of the above description, provided the Company will supply them complete, and put them up, for the sum of 540*l.* each.

I am, &c.

To Mr. Rennie.

M. Waller Clifton.

No. 4.

Gentlemen,

Vicualling Office, 13th May 1831.

THE Commissioners for Vicualling His Majesty's Navy having determined on the introduction, into their new bakehouse at Cremill, of machinery for baking bread, similar to that which has been adopted at Weevill, I am commanded to signify to you their desire, that you will cause the proper machinery for this purpose to be forthwith provided and sent to Plymouth, in order that it may be fitted into the building as the erection proceeds, and the ovens be constructed accordingly. Of the intended position of the ovens you were informed by my letter of the 11th instant.

I am, &c.

To Messrs. Rennie.

M. Waller Clifton.

No. 5.

Gentlemen,

Navy Office, 5th March 1829.

IN return to your letter of yesterday we acquaint you that, as requested by you, Mr. Goodrich, the engineer and mechanist at Portsmouth, has been directed to inspect and report on the whole of the machinery and engines of the flour mill in your premises at Deptford, as soon as possible.

We are, Gentlemen, your humble servants,

*R^t Seppings.
H. Legge.
C. Middleton.*

No. 6.

Sir,

Navy Office, 29th November 1830.

I HAVE the commands of the Commissioners of the Navy to acquaint you that, as requested by your letter of the 26th instant, orders have been given to Mr. Goodrich, the engineer and mechanist, to inspect, in conjunction with Mr. Taylor, the machinery and engines of the new flour-mill erected by Messrs. Rennie at Weevill, and to reported thereon as soon as possible.

I am, Sir, your very humble servant,

M. W. Clifton, Esq.

G. Smith.

No. 7.

Sir,

Navy Office, 20th December 1830.

WITH reference to my letter of the 29th ultimo, I am commanded by the Commissioners of the Navy to acquaint you, that Mr. Goodrich being detained in London, Mr. Kingston, the master millwright at Portsmouth-yard, has been directed to inspect, in conjunction with Mr. Taylor, the machinery at Weevill, and report on Messrs. Rennie's account.

I am, &c.

M. W. Clifton, Esq.

G. Smith.

— No. 21. —

COPY of Letter from the Admiralty to the Victualling Board.

Gentlemen,

Admiralty Office, 23d November 1831.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you herewith a copy of a letter from Mr. Watt, and to signify their direction to you, to order Commissioner Sir James Gordon to conform himself to what is therein stated until the steam-engines are ready to be erected in the Victualling Yard at Plymouth, and when this is done, to appoint a proper person to superintend them and work them as suggested by Mr. Watt.

I am, Gentlemen, your most humble servant,

John Barrow,

(Enclosure.)

My Dear Sir,

Soho, 22 Nov. 1831.

IN answer to your inquiry from Plymouth, I shall give you the best opinion our experience enables me to do.

Before sending off the materials of engines, the bored, or turned cast-iron parts, are all well greased, and the latter wrapped with rope-yarn; and the outside of the castings receive a coat of oil paint; the polished wrought iron-work is well greased, and packed in boxes with dry sawdust; the precautions, however, do not prevent rust for any great length of time; this was experienced in the materials of His Majesty's steamer the Alban, which we delivered at Deptford Yard in May or June 1826, but the vessel not being ready, the boxes with the wrought-iron goods were deposited in what appeared to be a dry store-room, and, as far as I recollect, the sawdust removed. On proceeding to erect the engines some six months afterwards, the wrought-iron work was found to be much corroded by rust, and the re-polishing and refitting was attended with considerable expense and loss of time. We find also, that in our hands here, when similar materials are laid by for any length of time in the driest rooms we have, they require re-polishing.

This would also be the case if the engines were erected, but we do not think the expense incurred in keeping the parts in order would be much increased ; indeed, I have adopted this plan myself in an iron-work belonging to me, where I have had occasion to increase the power without the hope of letting it in the present times.

At Plymouth Victualling Yard you will have, in addition to the 20 horse engine sent in February 1830, two engines of 45 horse power, which have been ready since June, and which we are daily expecting orders from the Messrs. Rennie to send off.

If these three engines were erected, a man might be employed to keep the whole in order, and to work them in succession for an hour or two once a month, by which means they would be ready for work whenever wanted.

· It may also, perhaps, form an element in your decision to know, that it would require four to six months to complete the erection of these engines.

The two pair of 50 horse power marine engines which we are preparing for you are in great forwardness, and would have been ready, had we not been desired by the Navy Board to complete the repairs of others of their engines first. From what I have stated I should almost be inclined to infer, that with a proper person in each vessel to take care of them, they might be preserved as well afloat as on shore.

I am, &c.

John Barrow, Esq. &c. &c.
Admiralty.

(signed) *James Watt.*

P. S. If the engines are not to be erected, the boxes should immediately be opened, the saw-dust removed, and all the wrought-iron work well cleaned and fresh greased. It should be kept in a dry storehouse, and if possible in one occasionally heated ; the cylinders, air pumps, &c. should also be cleaned out and fresh greased, and all the castings as well as the boilers should be put under sheds to protect them from the wet, &c.

— No. 22. —

COPY of Letter from the Victualling Board to the Admiralty.

Sir,

Victualling Office, 5th January 1832.

WITH reference to the directions of the Right Honourable the Lords Commissioners of the Admiralty, contained in Mr. Barrow's letter of 21st September last, relative to the Works at Cremill, we request you will be pleased to lay before their Lordships the accompanying copy of a Report upon the subject which we have received from Sir John Rennie,

APPENDIX TO REPORT FROM

dated the 30th ultimo, and to inform them, that although Sir John states that he has not been able to obtain from the contractors all their accounts respecting the measurement of these works, yet he confidently trusts that his estimate will be found correct upon the aggregate.

If such should prove to be the case, the expenses of the *buildings* (to which Sir John states he confined the Estimate of 110,000*l.*, which he rendered to Sir James Graham in his letter of the 20th January last year,) will not make it necessary to apply to Parliament for more than the 55,000*l.* for the expenses of the present year, which was stated in the Estimate of last year as likely to be required to complete *those works* beyond the 55,000*l.* voted for 1831. But as it appears that Sir John Rennie did not make any estimate of the cost of the *machinery*, their Lordships will observe from the enclosed report, that the sum of about 41,792*l.* will be necessary to cover those expenses, unless their Lordships determine not to proceed with the following works :

	£.
Paving to the amount of (beyond what has already been done)	-
Fixing the steam-engines and machinery of the flour-mill	-
Ditto bakehouse	-
Ditto brewhouse	-
	<hr/>
	£. 19,800

in which case, deducting the above-mentioned sum of 19,800*l.* from the sum of 41,792*l.* before alluded to, only 21,992*l.* will be required from Parliament in addition to the 55,000*l.* for the buildings already laid before the House, thus making in one case a total of 96,792*l.*, and in the other a sum of 76,992*l.* as necessary to complete the whole of the Works agreeably to the explanatory statement subjoined.

We are, Sir, your most humble servants,

John T. Briggs.
F. Edgcombe.
James Meek.

CREMILL WORKS.

	£.
Vote for 1831	55,000
Paid	44,584
	<hr/>
In hand	£. 10,416
Produce of sale of Premises at Plymouth, the outlay of which it has been understood their Lordships sanction, about	8,000
	<hr/>
Available to the 1st April 1832	£. 18,416

EXPENDITURE to Complete, according to Sir John Rennie's Report of 30th December 1831.

	£.	£.	£.
Reserves kept back	8,954	8,954	
To complete buildings	53,386		
Machinery	40,050		
Water and fire engines, and pipes, lamps and posts, boat stages, &c.	4,600	106,254	
Turret clock and fittings	650		
Paving the yard	7,568		
Total to be paid	-	115,208	
Available to 1st April 1832	18,416		
Laid before the House as the expected sum to complete in 1832	55,000		
More wanted to complete, chiefly machinery, not included in the 55,000 <i>l.</i>	41,792	96,792	
	<hr/>	19,800	
	115,208	76,992	
	<hr/>	<hr/>	
	£.	£.	
			Vote to complete the whole works. Deduct if the paving and machinery are not to be completed.

John T. Briggs.
F. Edgcombe.
James Meek.

(Enclosure.)

Honourable Sirs,

London, 30 December 1831.

I HAVE delayed until the present moment my answer to your Honourable Board's letters of the 14th and 17th September last in consequence of the measurements of the Works at Cremill Point not being in a sufficient state of forwardness to enable me to give the desired information; and even now a final balance cannot be struck, because the contractors have not yet sent in their accounts. I will therefore proceed to answer your questions in the order you require, in the best way that the measurements will admit, which I hope will be found not far from the truth.

First, As to the sums which will be due to Mr. M'Intosh for work performed and materials supplied up to the end of March 1832.

From the state of the measurements it may be presumed, that the last certificate of 5,500*l.*, and the reserves upon former certificates amounting to 8,654*l.*, will nearly balance any claims that can be made, or in other words, that Mr. M'Intosh is nearly paid up; and supposing that the works are to proceed at the same ratio that they have done during the last three months, which is as much as can be expected, in consequence of the field of operations being more limited, the days shorter, and the weather unfavourable, 4,000*l.* per month, or 12,000*l.*, will suffice until the end of March next, and deducting 15 per cent. for reservations, which ought to be adhered to, otherwise there is no security for the due performance of contracts, 1,800*l.* should be deducted from the above sum, leaving a clear balance of 10,200*l.* necessary to be provided against the 31st March next, supposing that no reserves are kept back upon the former contracts not concluded; and here I think it right to observe, that when I stated in my letter of January last to Sir James Graham that 50,000*l.* would suffice during the past year, it was done clearly upon the understanding that the works were to be completed in two years; but as it has been deemed expedient to advance them in a more rapid ratio, a greater sum has been expended during the present year than would otherwise have been necessary; this will however reduce the sum to be expended in the same ratio during next year (1832).

Secondly, with regard to the sum that will be required to carry on the works during the year 1832, this will necessarily depend upon the works proposed to be done, and upon the time allowed for their execution.

In the absence therefore of this information, I shall confine myself to the works at present only contracted for and ordered.

The works of this description are the brewery, the cooperage, the mill and bakehouse, the officers' houses, the main entrance, the porter's lodge and warden's house, and the guard-house.

To complete these, as far as the building department go, will require an additional sum of 41,386*l.** during 1832, beyond the 12,000*l.* already stated as required to the end of March next.

	£.
As regards the machinery for these buildings, that for the brewhouse, including the steam-engine, malt-mill, mashing and sack tackle (but not the coppers) the stillions or the coolers, which are properly termed fittings, and were ordered to be omitted by your letter of December last, will amount to the sum of	6,350

The three steam-engines and machinery complete for grinding corn and baking, and the sack tackles belonging to them, will amount to	40,280
---	--------

The attached and detached cranes for the mill buildings, cooperage and wharfs, will amount to	5,420
---	-------

The additional water and fire pipes, and hoses, lamps and posts, bells, wardens' boxes, flag staffs, hand carts, fire-engines, boat-stages, &c.	4,600
---	-------

The turret clock and fittings	650
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The paving of the Yard	7,568
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This latter item of paving includes only the sea and basin wharfs, the quadrangle of the cooperage, and from the main entrance to the long-store, &c.; indeed, more for the present will be unnecessary.	
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The whole of the above sums will amount to	£. 64,868
--	-----------

Of the machinery and crane's accounts there has already been paid the sum of 12,000*l.*, leaving a balance of 40,050*l.* to complete this part of the establishment, and, adding this to the sum, viz. 53,386*l.* for the building department and the other sundries above-mentioned, will make the sum of 106,254*l.* to complete the whole Establishment.

During the year 1832 the following sums could be expended to carry on the works :

The building department	£. 53,386
Towards the machinery	30,000
	<hr/> £. 83,386

Thirdly,

* The amount of the building department will depend upon the measurements, which will be fully covered by this sum.

APPENDIX TO REPORT FROM

Thirdly, As to the cause of the difference between Mr. Richards' estimate of last year, amounting to 161,000*l.*, and mine, amounting to 106,530*l.*, it appears that he had not sufficient time to do it accurately, and had included several sums already paid and materials delivered, which of course ought to have been deducted; and he accordingly made out another estimate subsequently with my assistant, Mr. Lewin, amounting to 100,640*l.*, being 5,890*l.* less than mine. No sum was put in my estimate for paving, because the surface of the yard being for the most part solid rock, it was very doubtful whether it would be necessary or not; neither did it include any thing but the buildings, according to Mr. M'Intosh's contracts, as there expressly stated.

Fourthly, As regards the comparative statement, showing under the several heads of expense the amount of the original estimate, and the cost or estimated cost of the works when completed, together with the cost of the additions and alterations. I subjoin it as follows :

ESTIMATE OF 1824.

	£.		£.
1. Sea-wall and basin, with contingencies	75,344	nearly complete	95,153
2. Long storehouse	24,134	complete	23,575
3. Brewhouse	31,013	nearly complete	34,350
4. Cooperage and landing-sheds	27,159	nearly complete	24,125
5. Quadrangle, or Melville store	41,965	complete	41,665
6. Flour-mill, bakery, and bavin coalshed	56,360	in progress	86,492
7. Slaughter-house, porter's lodge and entrance	5,777	nearly complete	9,978
8. Vegetable storehouse, guard-house, beef store, &c.	See No. 2, shown below.		
9. Main drain	2,005	complete	2,819
10. Reservoirs and pipes	10,305	complete	12,640
11. Boundary wall	3,597	complete	2,314
12. Officers' houses	5,995	nearly complete	4,546
13. Cranes	7,858	nearly complete	5,420
14. Rock contract	16,898	nearly complete	16,898
 Additional subsequent Estimates :			
1. Paving of reservoirs, 31st July 1826	2,214		
(To be added to No. 10, old Estimate.)			
2. Estimate for vegetable storehouse, guard-house, &c.	3,669		
(This sum to be added to Nos. 7 & 8, old Estimate.)			
3. Retaining wall against rock, never estimated	2,825	complete	2,825
4. Wall in Firestone Bay	1,740	-	1,740
5. Tunnel and landing-place, estimated 1st Feb. 1830.	1,868	-	721
6. Admiral's Hard, not estimated	1,620	-	1,620
7. Clarence stairs, estimated Sept. 1827	3,475	-	3,293
8. Ordnance road	590	-	590
9. Additional service-pipes, advanced on	2,451	nearly finished	2,451
10. Paving Clarence wharf and quadrangle of Melville store.	2,500	-	2,500
	<hr/>		<hr/>
£.	331,362	-	£. 375,615
		To contingencies	- 11,966

No. 1.—The increase upon the first sum of 19,809*l.* arises from the basin having been deepened to four feet at low water, instead of two feet, as originally intended, and from the sea-wall being extended 55 feet further at the northern extremity; and for extending the yard towards Firestone Bay, which has added nearly two acres of ground, in the most valuable part of the premises, and has otherwise given considerable additional convenience to the establishment.

No. 2.—The actual cost of the long-store is 23,575*l.*, or 559*l.* below the estimate; but as it has been made 13 feet wider than at first contemplated, the allowance for this ought to be 4,076*l.*

No. 3.—The brewhouse and machinery, although a much larger and more convenient building, by the addition of the centre buildings, will exceed the estimate only 3,337*l.*, which ought to be allowed. Also,

No. 4.—The cooperage was originally intended to be square, with the working shops at the outer sides of the quadrangle; by the present plan it is increased one-fifth in the outer quadrangle; and there is besides a centre detached fire-proof building for the working shops, with lofts over, which render it much more commodious and safe, in point of fact doubly

doubly so; yet even with these additions there will be a saving of 3,034*l.* upon the original estimate.

No. 5.—The Melville store will be 400*l.* below the estimate.

No. 6.—The flour-mill and bakery, including machinery, will amount to 86,492*l.*, being 30,132*l.* more than the estimate: this arises from two bread or dry stores, 137 feet long and 50 feet wide, and three floors each, and the centre granaries having been added to this building, amounting to 18,394*l.*; and from the use of baking machinery, amounting to 6,880*l.*, which was not known at the time when the original estimate was made. If the additions occasioned by these, amounting in all to 25,274*l.*, be added to the original estimate, the actual excess upon this building will be only 4,858*l.*, which is trifling, compared with the present superior and economical arrangement of these buildings.

Nos. 7 & 8. The entrance, slaughter-house, porter's lodge, are all now in one range of buildings, and as they are more extended than the plan of 1824, a second additional estimate was made for the present design, previous to its commencement, amounting to 3,669*l.*, and the actual cost will come extremely near to this.

No. 9. The main sewer exceeds, by 814*l.*, the original estimate, which is caused by the extension of the premises to the northward, as before-mentioned.

No. 10. The reservoirs and pipes; upon these there is an excess upon the original estimate of 2,335*l.*, but as there was a subsequent estimate of the 31st of July 1826, amounting to 2,214*l.* for paving the bottom of the reservoirs, the actual excess is only 121*l.*

No. 11. Upon the boundary wall there is a saving of 1,283*l.*

No. 12. Upon the officers' houses there will be a saving of 1,449*l.*

No. 13. Upon the cranes there will be a saving of 2,438*l.*

The subsequent works, 3, 4, 6, 8, 9, 10, were never estimated. No. 5 and 7 were estimated.

No. 5, For the tunnel, and landing-place in Firestone Bay; has been only half completed, and the remainder will be done within the estimate.

No. 7. For Clarence Stairs; has cost 182*l.* less than the estimate, and by No. 4, the wall in Firestone Bay, an addition of full one acre of ground has been gained, besides making the establishment more secure and complete in every respect.

Taking, therefore, the whole of the original estimates according to the year 1824, amounting to 308,410*l.*, and adding, lastly, the amount of the works subsequently estimated, makes a total of 331,362*l.*

The actual cost of those completed will amount to 375,615*l.*, leaving an apparent excess of 44,253*l.*; but as the basin and wharfs, the brewery, the flour-mill and bakery, the cooperage and long stores, have been greatly enlarged with additions, as previously explained, amounting to 52,496*l.*, credit to this amount should be given to the original estimate, making an actual saving upon the estimates of 8,243*l.*

The original estimate for removing the rock was 20,000*l.*, but by the arrangements made with the contractor it has only cost 16,898*l.*

The additional estimate for paving the yard, amounting to 7,568*l.*, was not originally contemplated, because the surface of the yard being rock was considered sufficient without.

The estimate of 4,600*l.** for bells, additional service pipes and hoses, interior fitting of stores, wardens' boxes, lamps, posts, hand-carts, boat-stages and fire-engines, could not be supposed to have been included in the original estimate, because it was generally considered that you would provide these articles yourselves after the establishment had been in operation, or that the old ones would come in for that purpose, as it was quite impossible, at that early period, to predict what would be necessary in this respect, the more so as the mode of doing business is continually improving.

Taking, therefore, from the above statement a complete review of the establishment, the following facts, I trust, have been made out.

First.—The total cost of the buildings, machinery, wharfs, basins and store-fittings, will be 400,399*l.*

Secondly.—The sum already expended amounts to 294,145*l.*, and the sum required to complete the whole amounts to 106,254*l.*, and of this latter nearly all could be expended during the ensuing year; but if required 78,000*l.*, or even 68,000*l.*, would suffice.

Thirdly.—That the original Estimates have been found unusually correct, and taking them together there has been a saving of 8,243*l.*

Fourthly.—The only saving that could now be made would be 5,500*l.* for the paving; 9,000*l.* for fixing the steam-engines and machinery of the flour-mill; 3,800*l.* for fixing that of the bakehouse, and 1,500*l.* for that of the brewhouse, in all amounting to 19,800*l.* Without the paving the facility of transporting provisions and stores would not be so complete,

* To prevent error, I have included in the estimate to complete 11,966*l.* for contingencies and incidental expenses, which brings the actual cost extremely near to the estimate.

plete, and consequently economical, and the machinery would never be preserved so well as if fixed in its place, and would hereafter, if required, be attended with additional expense; I could not recommend, therefore, except as a matter of absolute necessity, that the execution of the above Works should be deferred because the great advantage of having the whole establishment finished off at once, and ready in case of any emergency, would more than counterbalance the saving that would be made by deferring them.

The above statement will, I trust, appear satisfactory to your Honourable Board, although in consequence of the contractors not having delivered in all their accounts, I have not been able to finish it quite so correctly as I otherwise should have done; nevertheless, I confidently trust that it will be found correct upon the aggregate; and when the very great additions which have been made in almost every department, and the very superior accommodation which has been given are fairly considered, I trust it will be allowed that the public have received the full value of the sums expended.

I have the honour to be, &c.,

John Rennie.

P. S.—I have said nothing about the cost of the ground, because I had nothing to do with it; and of the total sum above given, should be the 6,659*l.* already paid towards incidental expenses and never estimated.

— No. 23. —

COPY of Letter from the Admiralty to the Victualling Board.

Gentlemen,

Admiralty Office, 16th January 1832.

HAVING laid before my Lords Commissioners of the Admiralty your letter of the 5th instant, relative to the expense of completing the works at Cremill, I am commanded by their Lordships to signify their direction to you to state what part of the payment of the additional 41,792*l.* may be postponed to the year 1833, provided their Lordships should determine to order the whole of the works to be finished before April 1833; whether the amount of Mr. Rennie's bill for the machinery may not form a part of the sum to be so postponed, and what the whole charge of that machinery amounts to.

I am, gentlemen, your most humble servant,

John Barrow.

— No. 24. —

COPY of Letter from the Victualling Board to the Admiralty.

Sir,

Victualling Office, 19th January 1832.

MR. BARROW having by his letter of the 16th instant signified to us the direction of the Right honourable the Lords Commissioners of the Admiralty that we should state what part of the payment of the additional 41,792*l.* for the completion of the works at Cremill, contemplated in our letter of the 5th instant, may be postponed to the year 1833, provided their Lordships should determine to order the whole of the works to be finished before April 1833; whether the amount of Mr. Rennie's bill for the machinery may not form a part of the sum to be so postponed, and what the whole charge of that machinery amounts to.

We request you will be pleased, in reply thereto, to acquaint their Lordships, that conceiving from the nature of the engagements with Mr. M'Intosh, the contractor for the buildings, and with Mr. Rennie for the machinery, that it would not be possible to require them to execute the whole of the works at Cremill, and postpone payment for the same till a subsequent period, and that such a course could only be adopted by arrangement with the parties, we thought it right to confer personally with those gentlemen on the subject before we replied to their Lordships' inquiries; accordingly Mr. M'Intosh attended us yesterday, and upon our having put the question to him, whether, if their Lordships were to order the whole of the works included in his several contracts to be completed before 1st April 1833, he would allow part of the payments for the same, and if so, to what amount, to stand over till the year 1833; he stated that if bills could be granted to him bearing interest for the amount of the payments which might be wished to be deferred, so as to fall due in the year 1833, he would endeavour to meet the Board's wishes; but in the absence of information as to the total amount which would be held over, he could not consent

sent to make any positive engagement at this distance of time which would be in departure from the conditions of his contract. Mr. M'Intosh also observed that the prices of part of his present contracts were made on the express condition that plans were immediately furnished, and that the works should proceed as expeditiously as possible, and that if any delay was now ordered, he considered that he would be entitled to the 2 $\frac{1}{2}$ per cent. which was to be abated from the prices arranged between him and Sir John Rennie. The works thus alluded to are the

Cooperage,
Mill,
Bakehouse,
Officers' Houses,

Entrance Gates,
Slaughter-house,
Houses for Porter, &c. &c.
Tunnel.

Mr. George Rennie having subsequently been called before us, stated that he had already paid out of pocket 29,000*l.* for engines and machinery for Cremill, of which 12,000*l.* only has been advanced to him; and that he expects a payment to the extent of 14,000*l.* or 15,000*l.* on account of part of this machinery forthwith on its delivery, and that if the Board would allow him bills bearing interest for the remainder of the sum which might not be paid as the machinery is delivered and works completed, he would agree to postpone receiving it till after April 1833. Mr. Rennie however added that 8,000*l.* or 9,000*l.* of the sums which would be payable to him, namely, for fitting up the machinery, would probably at all events not be payable to him till after April 1833. Mr. Rennie and Mr. M'Intosh both stated that if the arrangement of paying them by bills of distant date were adopted, they should expect the bills to bear interest at the rate of 4 per cent. per annum.

Having thus ascertained the expectations of Mr. M'Intosh and Mr. Rennie, we feel bound to state that, under the arrangement made with the former for the completion of the buildings, in pursuance of the directions of the Lords Commissioners of the Admiralty, signified in Mr. Barrow's letter of the 16th September 1830, in reply to our letter of the 30th August, we do not conceive that we could in justice delay the erection of the buildings beyond the periods fixed for their completion by the several contracts, viz. 31st October and 31st December 1832; nor, if the works proceed, could we depart from the conditions of the contract with regard to payments for them; and that if we did delay the payments, we should, besides endangering the responsibility which the contractor is under to us by violating its conditions, at all events give him a clear right to the addition of 2 $\frac{1}{2}$ per cent. to his prices, which abatement was made on the condition of being allowed to proceed expeditiously with the buildings. With regard to Mr. George Rennie's account for machinery, we likewise consider that we could not depart with justice from the established mode of paying him as the machinery is delivered and work executed, according to usual and former practice.

For these reasons we are of opinion that if the whole of the works at Cremill are to be completed in the ensuing year, they must be paid for, when measured and certified, by ready-money bills as usual, or (as matter of arrangement with the parties) by bills at distant dates. But we think it probable that, with every exertion to complete the works in the year, some part of the additional sum of 41,792*l.* might not be payable before the 31st of March 1833, namely, about 8,000*l.* or 9,000*l.* in Mr. Rennie's department, and about 10,000*l.* in Mr. M'Intosh's, for paving the yard, and pipes, lamps, &c.

In conclusion, and in reply to the last paragraph of Mr. Barrow's letter, inquiring the total charge for the machinery, we beg to re-state that there has already been paid on account 12,000*l.*, and that the estimated amount of the sum which will be payable for the remainder of the engines and machinery, and fitting the same, is 40,050*l.*, making the total amount 52,050*l.*; but we beg to observe that as this is an estimate only, the actual cost may either exceed or fall short of the said amount.

We are, Sir, your most humble servants,

G. A. Chetwynd Stapylton.
F. Edgcombe.
James Meek.

— No. 25. —

COPY of Letter from the Admiralty to Victualling Board.

Gentlemen,

Admiralty Office, 20th January 1832.

IN reply to your letter of the 19th instant, on the subject of the completion of the works at Cremill, I am commanded by my Lords Commissioners of the Admiralty to acquaint you that their Lordships intend to take a Vote for the present year of 80,000*l.*, and for the year 1833 of 30,000*l.*, which they trust will more than cover the whole expense.

I am, Gentlemen,

Your very humble servant,

John Barrow.

— No. 26. —

COPY of a Letter from Mr. Barrow to Commissioner Briggs.

My dear Sir,

Admiralty, 2d February 1832.

SIR JAMES wishes you would put 50,000*l.* (instead of 25,000*l.*) for this quarter, if the balance will bear it, and 60,000*l.* for the next year, which will complete the 110,000*l.*

Your's, &c.

John Barrow.

(Copy)

M. Waller Clifton.

— No. 27. —

MINUTE of the Lords of the Treasury, 13th March 1818.

THE Earl of Liverpool states to the Board that his Royal Highness the Prince Regent has signified his pleasure that the warrant under his Royal Highness's sign manual, dated the 4th August 1817, addressed to the Earl of Mulgrave, Master-General of the Ordnance, for regulating the Ordnance department, should be no longer in force.

And my Lords having hereupon under their consideration the observations in the 4th and 6th Reports of the Committee of Finance, with respect to the control to be exercised by this Board over the expenditure of the Admiralty and Ordnance departments:

The Earl of Liverpool communicates to the Board a Memorandum which has been agreed upon by his Lordship, in concert with the Chancellor of the Exchequer, with the First Lord of the Admiralty and the Master-General of the Ordnance respectively, for regulating the mode of proceeding and of communication to be observed with respect to their departments, in matters connected with the annual estimates and such heads of expenditure as are therein referred to.

My Lord read the said Memorandum, which is as follows, viz.

With a view to carry into effect the recommendations of the Finance Committee in their 4th and 6th Reports, "that no department of large expenditure ought ever to be placed beyond the controlling superintendence of the Board of Treasury," and to establish an uniform mode of communication by which the Admiralty and the Ordnance (the two great departments specially referred to in those Reports) may hereafter bring under the official cognizance of the Treasury; 1st, their estimates for the service of the year purposed to be submitted to Parliament; 2dly, any extraordinary expenses for new works, which upon an emergency may be deemed necessary within the year, although not included in the estimates; and 3dly, any proposition for a new salary, or further increase of any existing salary, or for the grant of any gratuity or pension for good services, or of superannuation or other allowances (except such as the parties applying for the same may be entitled to under any Act of Parliament or Order of Council now in force or hereafter to be established), it is now proposed that the Board of Admiralty should on or before the 24th December in each year, officially transmit to the Board of Treasury an estimate in which the expense of all new proposed works in the dock yards or victualling yards, or on account of any new buildings, or of any expensive repairs, where the expense should be estimated at 5,000*l.* or upwards, should be distinctly stated, and should be accompanied by such observations or remarks as may be deemed important for the information of the Treasury, and particularly stating, if possible, the period within which the proposed works are likely to be completed, and specifying distinctly the sums already expended upon each work, the sum to be expended within the year, and the sum which will be requisite for the completion of the same; upon the receipt of which estimate, the Board of Treasury should take the same into their consideration, and signify to the Admiralty their concurrence in or dissent from the whole or any part of such estimate: and that the estimate to be submitted to Parliament by the Admiralty should include only such services as have been approved by the Treasury; and in the event of any unforeseen circumstances arising between the period of voting the estimates for one year, and that of submitting the estimates of the year ensuing, which may in the opinion of the Board of Admiralty render it absolutely necessary to undertake any works or repairs not before contemplated, and exceeding the above sum of 5,000*l.*, the circumstance should be represented to the Treasury,

sury, and their concurrence obtained for inserting the same in the next estimate to be submitted to Parliament; and that the Admiralty should not (except under circumstances of indispensable necessity) commence any works whatever until provision shall have been made by Parliament for defraying the expense; and should any circumstance occur which in the judgment of the Board of Admiralty might render the execution of any works for which Parliament had not made provision absolutely necessary, an estimate of the expense to be incurred for any such work should be transmitted to the Treasury, and the causes which rendered the same necessary should be distinctly represented, and their sanction should be obtained previously to the commencement of the work, as well as their authority for including the same in the estimates of the ensuing year. With respect to salaries, superannuations, &c. (with the exception already stated) that the Board of Admiralty should in the first instance, and previous to any report to the King in Council, bring under the official cognizance of the Treasury every proposition of this nature, stating the particulars of the case and the grounds on which they intend recommending the same to his Majesty in Council; and that in every memorial to be submitted to his Majesty for granting any new salary or increase of salary, or pension or superannuation, the concurrence of the Board of Treasury, and the date of the instrument by which such concurrence was communicated, should be recited.

The same course of proceeding, with respect to estimates and extraordinary works, to be observed by the Master-General and Board of Ordnance; and with respect to warrants for granting any new salary or increase of salary, superannuation, pension or gratuity, that the same course should be observed as with respect to memorials from the Admiralty to the King in Council, for obtaining the previous concurrence of the Treasury, and reciting that concurrence in any such warrant to be afterwards submitted to his Majesty by the Master-General of the Ordnance.

In carrying into effect this mode of conducting the official correspondence of the Treasury with the Board of Admiralty and the department of the Ordnance, it is to be understood as in no degree interfering with that unrecorded and confidential intercourse which must at all times exist on the part of the First Lord of the Admiralty and the Master-General of the Ordnance, with the First Lord of the Treasury and the Chancellor of the Exchequer respectively, on all such plans and measures as either the First Lord of the Admiralty or the Master-General of the Ordnance may feel it their duty to bring under the consideration of their colleagues in the Cabinet, with a reference to the service of these two important departments, connected as that service is with the general interests, the foreign policy, and the security and defence of the empire: but in points of detail connected with the estimates and other arrangements referred to in this Minute, it is suggested, as well for the facility of explanation as for the saving of time and unnecessary correspondence, that it might be expedient to provide that the heads of departments under the Admiralty Board, such as the Treasurer, the Comptroller and the Commissioners of the Navy, and the Commissioners of the Victualling Office; and in the Ordnance, the officers of the Board under the Master-General, should be directed to attend the Board of Treasury, in case that Board should wish for such information as it might appear to them would be more satisfactorily obtained from any of these departments by a verbal communication, than by a written reference to any of the subjects in question.

The Earl of Liverpool also states to the Board, that his Royal Highness the Prince Regent having approved of the said regulations, it was further agreed between his Lordship and the Chancellor of the Exchequer, and the First Lord of the Admiralty and the Master-General of the Ordnance, that the said Memorandum should be recorded in the minutes of the said respective departments, and that directions should be given for the punctual observance thereof.

My Lords are pleased to direct that the said regulations be duly observed in this Office.

— No. 28. —

COPY of Treasury Minute, dated 10th September 1830.

READ letter from the Secretary to the Admiralty, dated 7th instant, enclosing the copy of one from the Victualling Board relative to the works carrying on at Cremill Point, and requesting their Lordships' decision whether, since, if the remaining works are executed now instead of being deferred indefinitely as was intended, a saving of at least 10*l.* per cent. on the total cost of what is still unexecuted will be made, the sum of 15,000*l.* may not be inserted in the Navy Estimates for the next year.

Write to Mr. Barrow, for the information of the Lords Commissioners of the Admiralty, that as it appears, by reason of the present price of materials, that a saving of nearly 4,500*l.* in the expense of these works will be effected by immediately proceeding on them, as suggested by the Commissioners of Victualling, my Lords approve of a vote of 15,000*l.* for this service being proposed in the next year.

COPY of a Letter from John Barrow, Esq. to the Honourable J. Stewart.

Sir,

Admiralty Office, 7th September 1830.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith copy of a letter from the Victualling Board, relative to the works carrying on at Cremill Point; and I am to request you will lay the same before the Lords Commissioners of His Majesty's Treasury, and to state that my Lords desire to know whether they concur in the view which the Victualling Board have taken of the subject adverted to in the enclosed letter; from which it appears, that if the remaining works at Cremill Point are executed now instead of being deferred indefinitely as was intended, a saving of at least 10 per cent. on the total cost of what is still unexecuted will be made. The sum inserted in the Navy Estimates for this year on account of the works at Cremill Point was 10,000*l.*, and it is proposed to insert 15,000*l.* for next year.

Their Lordships request an early decision on this matter, for the reason assigned by the Victualling Board.

I am, &c.

(signed)

John Barrow.

COPY of a Letter from the Victualling Board to the Admiralty.

Sir,

Victualling Office, 30th August 1830.

WE request you will be pleased to inform the Right honourable the Lords Commissioners of the Admiralty, that we have lately given orders for proceeding with the erection of the main entrance of the new victualling yard at Cremill Point, the slaughter-house, porter's lodge, warden's house and cooperage, and have agreed with Mr. M'Intosh for the execution of these works at prices considerably reduced from those of the earlier contracts; and that Messrs. Rennie have informed us that Mr. M'Intosh states, that provided he were to receive directions within three weeks from the present time for proceeding with the building of the flour-mill, the bakehouse, and officers' houses, he would be ready to make a further deduction of 2½ per cent. from those prices.

Messrs. Rennie have also informed us, that in addition thereto, the saving which would arise from completing these buildings at once, in economy of labour, professional services, taking advantage of the present cheap price of iron, which is upon the rise, and being thereby enabled to dispose of and to bring to account the old premises at Plymouth at least 18 months earlier than otherwise, would amount to nearly 4,500*l.*, making a total saving of 10 per cent., not to mention the immense convenience and economy of having the whole establishment completed and at work so much the earlier; and under all these circumstances they have strongly recommended that these buildings be ordered to be put in hand without further delay, and that Mr. M'Intosh's offer be accepted.

We therefore feel it to be our duty, as well for the sake of economy as for more speedily placing our department at Plymouth in a state of efficiency, most earnestly to recommend to their Lordships that we may be authorized immediately to proceed with the erection of the flour-mill, bakehouse, and officers' houses, at Cremill, agreeably to Mr. Rennie's proposal; and we beg leave to add, that if their Lordships should be pleased to consent thereto, we should propose that 15,000*l.* be inserted on the estimates for the ensuing year, on account of new works at Cremill, which would leave only 25,000*l.* to be provided in subsequent years for the completion of the whole of the buildings, &c. of the yard, so as to place it in a complete state of efficiency as a victualling establishment.

We are, &c.

(signed)

G. A. Chetwynd Stapylton.

F. Edgcombe.

The Right hon. J. W. Croker.

— No. 29.—

DRAFT of proposed Minute, referred to in Mr. Clifton's Evidence.

THE Board intending to refer the bills of Messrs. Rennie, for cranes, steam engines and machinery at Cremill, for the examination of the Surveyor of Naval Buildings, and to Mr. Goodrich, Mr. Kingston, or some other competent mechanist, in the same manner as the bills for the machinery of the mills at Deptford and Weevil were examined, and according to their intention expressed in their letter to the Admiralty of the 3d December last; and the Board not being able to cause that examination to be made till the arrival at Cremill of the whole of the machinery charged in the bills now delivered, when the persons above mentioned will be directed to proceed thither and make their examination on the spot, cannot pay Messrs. Rennie the amount of their account at present.

21 February 1832.

— No. 30. —

AN ABSTRACT of the several Quantities of Machinery supplied, under the direction of the Victualling Board, by Messrs. John and George Rennie, for the use of the Public Service, since 1823, for Deptford, Portsmouth, Weevil, Cremill, and all other Places; stating whether they were supplied by Public or Private Contract.

For the CORN MILL at DEPTFORD, in 1827, 1828 and 1829.

	£. s. d.
Corn-mill machinery, bins and hoppers, tackle, hatchways, and fitting up the interior of the building	24,696 17 1
Steam-engines and putting up, fitting up engine-house, with sundry pipes, cocks, sluices, valves, &c.	9,223 - 8
Sundries appertaining to the above	646 11 5
	<hr/>
	£. 34,566 9 2

For MACHINERY at WEEVIL.

	£. s. d.
Machinery for the corn-mill	12,741 10 2
Steam-engine, pipes, engine-house sluices, cocks, &c. for the corn-mill, and for the supply of water to the reservoir	5,484 3 2
Sundries for general purposes	575 16 11
Baking machinery	7,150 17 4
Mashing machine for the brewhouse	690 - -
	<hr/>
	£. 26,642 7 7

MACHINERY for CREMILL.

	£. s. d.
22 warehouse cranes	2,300 2 6
6 five-ton cranes	2,101 15 10
2 ditto	675 11 7
Part of machinery for corn-mill	8,033 12 3
2 steam-engines for ditto	4,694 6 -
Steam-engine for brewhouse	1,600 4 3
Part of machinery for ditto	2,516 4 9
Steam-engine for bakehouse	564 9 9
	<hr/>
	£. 22,486 6 11

The above bills for 22,486 £. 6 s. 11 d. are now in the office, but cannot be examined till the arrival of the machinery now on its passage. The sum of 12,000 £. was advanced to Messrs. Rennie thereon; viz. 6,000 £. on 29 December 1830, and 6,000 £. on 11 July 1831.

The whole of the machinery enumerated in this Account was ordered to be supplied by the Board, and no contract was entered into for the same.

Victualling Office,
6 March 1832.

John T. Briggs.
T. Edgcombe.

WESTMINSTER IMPROVEMENT.

R E P O R T.

THE SELECT COMMITTEE appointed to inquire into the most economical and eligible mode of improving the Approaches to the Houses of Parliament and to the Courts of Law; and also of improving the immediate Neighbourhood of *Buckingham Palace*; and who were empowered to report their Observations thereupon from time to time to The House;—HAVE agreed to the following REPORT:

YOUR COMMITTEE have received such evidence of the low situation of the Land, and the condition of the Buildings, between the Houses of Parliament, the Courts of Law, and Buckingham Palace, as leaves no doubt upon their mind that it is essentially necessary to the salubrity of that part of the Metropolis, that immediate steps should be taken to remedy evils, the existence of which cannot be disputed; and Your Committee are now considering the probable cost to the Public, of a Plan which has been laid before them by their Chairman, to improve the Salubrity of that part of the Metropolis, the Approaches to the Houses of Parliament and the immediate Neighbourhood of Buckingham Palace.

Your Committee having been informed that it is the intention of Government to propose to The House the erection of Barracks in the Bird Cage Walk, consider it to be their duty to state to The House their deliberate opinion, that if such intention be persisted in, it will be impossible to improve the Neighbourhood of Buckingham Palace without a much greater expenditure of Public Money than is contemplated in the Plan now under the consideration of Your Committee.

Your Committee have less reluctance in expressing this opinion, as it appears to them that it would be very easy to find a situation for Barracks in every respect as advantageous as the one proposed in the Bird Cage Walk.

29 June 1832.

R E P O R T

FROM

SELECT COMMITTEE

ON THE

IMPROVEMENT OF WESTMINSTER,

&c.

*Ordered by The House of Commons, to be Printed,
29 June 1882.*

Report

R E P O R T

FROM

SELECT COMMITTEE

ON THE

IMPROVEMENTS OF WESTMINSTER:

WITH

THE MINUTES OF EVIDENCE.

Ordered, by The House of Commons, to be Printed,
18 July 1832.

Mercurii, 6^o die Junii, 1832.

Ordered,

THAT a Select Committee be appointed to inquire into the most economical and eligible mode of improving the Approaches to the Houses of Parliament and to the Courts of Law; and also of improving the immediate Neighbourhood of Buckingham Palace; and to report their Observations thereupon to The House:—And a Committee is appointed of

Mr. Rigby Wason.	Mr. Lefevre.
Sir Francis Burdett, Bart.	Mr. George Vernon.
Sir John Hobhouse, Bart.	Mr. Henry Baring.
Lord Viscount Duncannon.	Mr. Hume.
Sir Robert Peel, Bart.	Mr. Pendarves.
Sir Robert Harry Inglis, Bart.	Mr. Frankland Lewis.
Sir Henry Hardinge.	Mr. Ashley.
Mr. Lamb.	Sir Edward Cust.
Mr. Littleton.	Lord Nugent.
Mr. Warre.	Mr. Adams Williams
Mr. Henry Lowther.	Mr. Lennard.

And they are to meet To-morrow, in The Speaker's Chamber, and have power to send for Persons, Papers and Records.

Ordered, That Five be the Quorum of the Committee.

R E P O R T.

THE SELECT COMMITTEE appointed to inquire into the most economical and eligible mode of improving the Approaches to the HOUSES OF PARLIAMENT and to the COURTS OF LAW ; and also of improving the immediate Neighbourhood of BUCKINGHAM PALACE ; and who were empowered to report their Observations thereupon from time to time to The House, together with the Minutes of Evidence taken before them :—HAVE further considered the matters to them referred, and agreed to the following REPORT :

THE attention of Your Committee has been directed to the practicability, the advantages, and the probable costs to the Public, of a Plan submitted to them by their Chairman, for the purpose of accomplishing the objects referred to them ; comprehending, indeed, another of far greater importance, indirectly connected therewith ; an object, the attainment of which would also most materially conduce to the health of those who reside in that part of the Metropolis.

Upon this subject Your Committee request the most serious attention of The House, and of the Government, to a Report made on the 6th of December last, by the Local Board of Health, of the united Parishes of St. Margaret and St. John, which leaves no doubt of the deplorable state of this part of the Metropolis, with regard to the want of any effectual Sewerage, and the dreadful results which must inevitably occur from the pestilential and unwholesome state of the atmosphere in that neighbourhood. Your Committee also refer to the Evidence of the Surveyor to the Commissioners of Sewers, who, with twenty-two years experience on this subject, declared that it was impossible to afford any adequate remedy in the present state of the Houses and Buildings, but that it would be very easy to do so, if improvements of the character contemplated by Your Committee were carried into effect.

Your Committee have carefully examined this Plan with reference to the following questions :—1st. Whether it would furnish an effectual sewerage for the greatest extent of ground ;—2d. Whether it be the most economical and the most eligible Plan which could be devised for improving the Approaches to the Houses of Parliament and Courts of Law ; and also of improving the immediate Neighbourhood of Buckingham Palace. And Your Committee are of opinion, that the Plan under consideration, extensive as it undoubtedly appears, is the most economical and the most eligible which can be devised for accomplishing these objects ; and they believe it to be as capable of positive proof as the nature of the case will admit, that if such Plan were carried into effect in the manner most advantageous to the Public, and with the least inconvenience to the

REPORT FROM SELECT COMMITTEE

inhabitants, the expense to the Public would be perfectly inconsiderable, in comparison to the advantages which would be obtained.

Your Committee are of opinion that the expense of improving the part coloured blue on the Plan, as being more essential in reference to Buckingham Palace, ought to be defrayed by His Majesty's Commissioners of Woods, Forests and Land Revenues, by the sale of such Crown Property as may be considered most advisable; for while Your Committee acknowledge that the Crown Lands are to be considered and treated as private property, they are unable to discover any reason why a principle which is repeatedly acted upon by the Court of Chancery with respect to the estates of infants and tenants for life, might not be applied to the Crown Property; *viz.* that a portion may be sold for the purpose of effecting an improvement decidedly beneficial to its present and future occupiers, although disadvantageous in a pecuniary point of view.

Your Committee cannot refrain from again expressing their decided opinion, that if the intention of the Government to erect Barracks in the Bird Cage Walk be persisted in, it will be impossible to attain the objects referred to Your Committee without a much larger expenditure of money than the execution of the Plan under the consideration of Your Committee would require.

Your Committee trust that it is unnecessary for them to declare that they are deeply impressed with the absolute necessity of enforcing all due economy in every department of the State; and they are of opinion that the adoption of this Plan of Improvement will, upon examination, be found perfectly consistent with the strictest economy which ought to be practised by an enlightened and liberal Government.

Your Committee, therefore, strongly recommend to The House and the Government the adoption of this Plan, as being, in their opinion, of essential importance to the salubrity of this part of the Metropolis, as materially improving the Approaches to the Houses of Parliament and Courts of Law; and as rendering the immediate neighbourhood of the Palace befitting the station of its illustrious inmates.

18 July 1832.

MINUTES OF EVIDENCE.

L I S T.

Lunæ, 25° die Junii, 1832.	Jovis, 28° die Junii, 1832.
Mr. John Dowley - - - - p. 5	Thomas Cubitt, Esq. - - - - p. 8
John Letsom Elliott, Esq. - - - p. 6	Mercurii, 4° die Julii, 1832. Mr. William Bardwell - - - - p. 12

Luna, 25° die Junii, 1832.

RIGBY WASON, ESQUIRE,

IN THE CHAIR.

[*Rigby Wason, Esq.* produced to the Committee three Plans, marked (A.) (B.) & (C.), as containing a Plan and details of the Improvements which he considered it would be desirable to execute, and to which he requested their attention.]

Mr. John Dowley, called in ; and Examined.

Mr.
John Dowley.

1. ARE you the surveyor of sewers appointed under the Commissioners?—
A Yes, for Westminster.
2. Have you any Map, showing the level of high water, as compared with several streets and lanes in the line of improvement?—There are several sections.
[Handing them in.]
3. One part of the land through which the improvement will go is seven feet below the level of high water, is it not?—Yes, seven feet one inch.
4. A great part of the line of the projected street is at the level of high water, and some below it?—Yes.
5. And it is seven feet in the lowest part below the level?—Yes, the level of Millbank, in front of the Penitentiary, is high water, as nearly as possible.
6. Do you know how much they have had to raise the ground to obtain an effectual sewer at the new prison?—I suppose 10 or 11 feet.
7. How high is it necessary for a street to be above the level of high water to have an effectual drainage?—If the street be four or five feet above the level, the drainage would be excellent; this would allow two or three steps to the houses.
8. You have seen this Plan before?—[*The Plan marked (A.)*]—Yes.
9. What height do you think it would be necessary to raise the line of the intended street?—At the lowest part I should say ten or eleven feet.
10. That, of course, would be different in different places?—Yes; in some parts four or five feet would be sufficient.
11. Is it possible to raise the ground to that height, in the present state of the houses and streets and lanes?—No, not to that extent.
12. It is not possible; in fact, you bury part of the houses?—Yes.
13. Would there be any difficulty in obtaining sufficient rubbish to fill up the ground of the new street to the extent you have mentioned?—No, I should think not.
14. You have a general knowledge of the description of property through which this intended street will pass?—Yes.
15. What description is it?—There are some of the very lowest description of houses about the Almonry, the eastern part.
16. Up towards James-street it is better?—Yes, to the west it is.
17. You have stated to the Committee that it would be possible to raise the level of the proposed street so much as to ensure an easy discharge by sewers, in respect to the immediate line of such street?—Yes.

25 June,
1832.

6 MINUTES OF EVIDENCE BEFORE SELECT COMMITTEE

Mr.
John Dowley.
25 June,
1832.

18. How far would such increase of the level of that street affect the sewerage adjacent to such line, particularly in parts where the proposed street would actually cross the existing sewers?—There should be built a complete sewer for the new street, not touching on these at all; those would be destroyed, of course, referring more immediately to the sewers in the eastern division by the Almonry.

19. Into what main sewer do you propose that the sewers throughout the line of the proposed street should be carried?—Into the King's scholar's pond, over which crosses the intended street to the west.

20. Do you propose that all the sewers in the proposed line of street, should be carried in that direction?—Yes.

21. In reference to your answer to the question in which you state, that the sewers of the new street would be carried over the sewers of the existing street, have you made sufficient allowance, in giving that answer, for the increased elevation of the level of the proposed street?—Not exactly; because all this part of the sewer to the east would be abandoned and destroyed; by the new sewer passing that way, these would become useless.

22. Then where would the sewerage be of Tothill-street?—That would remain as it does at present, flowing into the main sewer now running through the Broad Sanctuary.

23. Then you would have these sewers turn, and go through New Tothill-street?—Yes; in fact, the greater part of those is not worth the name of a sewer; they would be diverted.

24. How many years have you been acquainted with the sewers?—Twenty-two years.

25. Are you aware that any great inconvenience has occurred to the neighbourhood?—Yes, frequently; five or six times every summer the whole neighbourhood is under water, flooded.

26. That you know of your own knowledge?—Yes; the sewer to the westward is very defective.

27. About James-street?—James-street hardly, in fact, has any sewage; they pump it from cess-pools into the street from different places.

28. They pump it at the back?—Yes, to Palace-street.

John Letsom Elliott, Esq. called in; and Examined.

John L. Elliott.
Esq.

29. YOU have seen this Plan, marked (A.)?—Yes.

30. And you are the possessor of the land marked "Elliott's Ground," on this Plan, No. 3?—Yes, the Plan, No. 3.

31. Now, in the event of the Government taking on themselves to make the proposed street within a proper time, and agreeably to your own wishes, are you prepared to say whether you would give to the Public the line of street which would be required, you keeping the frontage to the south?—I do not think that we should have the slightest objection to that; provided the line of street did not interfere with the brewery itself.

32. The brewery would be then to the north?—Yes. My answer with regard to the street, is entirely relative to the convenience of our carrying on our business.

33. That is to say, if they were to touch any part of the brewhouse, you would insist on their taking the whole of it?—Yes.

34. Then which side of the line of the street is your own house?—To the north.

35. So that that would be left equally?—Yes.

36. Of course your statement now, is upon the supposition that that line is not to be deviated from; if they were to go further than that, they would come in immediately on the pleasure-ground before your house, which you do not wish to have touched?—Yes. But I am not prepared to say that this line is at present convenient for our brewery; it cannot go further north certainly.

37. Whatever may be the present line, they must not go an inch further north?—Certainly not.

38. And further south would be more convenient to you?—Much more convenient; indeed I am afraid it would be impossible for the road to go to the north of this; which is our reservoir for the water for the purpose of brewing.—
[Pointing to a Plan, which the Witness produced.]

39. Supposing the street to leave the reservoir to the north, you would have no objection that the line of street passing your land, should cost the public nothing,

you

ON THE IMPROVEMENTS OF WESTMINSTER.

7

you keeping the frontage to the south?—Of course we are to be at no expense in making the road.

John L. Elliott,
Esq.

40. No, nor sewerage; you only say that the land shall cost the public nothing; you devote to the public this land in consequence of the benefit you derive from the land to the south?—I do not think there will be any objection; I answer only for myself; I have a partner, but I do not think there will be any objection.

25 June,
1832.

41. In reference to the Plan (A.), will you be so good as to look at the position of your brewery, and state to the Committee whether there be any objection, in your judgment, to changing the line of the proposed street from its present direction, namely, from the south of your brewery to the north of the same; any objection connected with your business and your property?—Yes, considerable; because all our storehouses are here.

42. These are absolutely essential to carrying on your business?—Yes.

43. You have stated that the storehouses to the north of your present brewhouse, in the Plan which you have produced to the Committee, are essential to you in your business?—Yes.

44. Would it be possible, consistently with a due regard to your own interest, to give any portion of those storehouses, particularly in the northern angle?—We could not conveniently, as the whole of them are occupied.

45. To whom belong the houses on the south side of Palace-street?—I am not aware; but to different proprietors, I believe.

46. Do any belong to your firm?—One, but not freehold.

[*The Witness withdrew.*]

Rigby Wason, Esq. the Chairman, drew the attention of the Committee to the Plan marked (B.) of the property from Lower Grosvenor-place to the Eastern side of Saint Margaret's Church, such Plan being in nine different allotments, according to the respective properties, No. 1. belonging to the Marquis of Westminster, the leases of which will expire next year; No. 2. consisting of Brewer-street and the houses north and south, belonging to different people; No. 3. belonging to Mr. Elliott; No. 4. belonging to the Commissioners for building New Prison; No. 5. belonging to the Trustees of Emanuel's Charity; No. 6. belonging to the Trustees of Palmer's Village; No. 7. eight cottages and buildings; No. 8. belonging to the Trustees of Palmer's Charity; and No. 9. Saint Margaret's Chapel. The calculation is that this part would cost the public 80,000*l.*

The calculation upon which the value of the land in the new street is made is, that it would be worth 2*l.* per foot frontage, and that such ground rent is worth 27 years purchase. In this part of the street there will be at the disposal of the Public about 4,000 feet of front land, and this at 2*l.* a foot, and that valued at 27 years purchase, would produce 216,000*l.*; the expense of the land and houses being 80,000*l.* would leave a surplus of 136,000*l.* applicable to the remaining part of the street, which, being more thickly studded with buildings, would be more expensive.

8 MINUTES OF EVIDENCE BEFORE SELECT COMMITTEE

Jovis, 28° die Junii, 1832.

RIGBY WASON, ESQUIRE,

IN THE CHAIR.

Thomas Cubitt, Esq. called in; and Examined.

*Thomas Cubitt,
Esq.*

*28 June,
1832.*

47. YOU have seen this Plan marked (A.)?—I have.

48. What is your opinion of the probable value of the land, supposing the whole plan was carried into execution, the street and the three squares?—I think if the communication were made open to the public quite through, so that they might see the extent of space to be given up for the road, and the ground cleared all through, that it might be clearly understood, and well seen before any ground was offered in the market, it would be likely to fetch from 3*l.* to 4*l.* per foot. That is my opinion; of course my opinion is quite speculative.

49. That would partly arise, perhaps, from whether the street was very wide?—Yes.

50. You think if the street was very wide that it would be more valuable as to the ground rent?—I should think myself it would be of much more value if the street was wide. If it was my land, and I was going to operate up it as a speculation, I should give 120 feet.

51. Supposing the street alone were to be carried into execution, and this land carried into the street, and the Park remain as it is, what then would be the value of the land in the street?—Probably not more than half what it would be.

52. If these squares had not an open communication with the Park, would it not render the houses comparatively of little value?—The houses in the squares would be of much less value. It would increase the value of the houses in the squares very much by being open to the Park. I should rather say it would be turned to a greater account if there was one of the blocks of buildings thrown out altogether; and I think two squares would be much more profitable than three.

53. What do you say with regard to the size of the squares?—I should think they are not larger than they should be in London, connected with the Park as they will be.

54. Do you happen to know that each of those squares is double the width of Bryanstone-square?—Yes.

55. What description of inhabitants is the ground occupied by on the Plan marked (A.), from the Almonry to the western end of Palmer's Village?—It is occupied by the worst possible description of inhabitants; the land is exceedingly badly drained, or rather not drained; and there being no proper outlets generally for the water, a great deal of the bad air must pass off by evaporation, there are no means of its going under ground.

56. Is there a great deal of stagnant water there?—Yes, the houses being drained into cesspools, principally.

57. Does it lay very low in that part?—I think it does; I am not certain as to the levels, but there are many parts of London, though they lay high, are very badly drained, for want of a proper communication one part with the other.

58. Do you consider it absolutely necessary that the whole plan should be carried into execution at once, to render the property of the value you have stated to the Committee?—Yes, I should consider so. My estimate is founded upon the whole street being opened first.

59. You would not have the squares opened at the same time as the street?—Yes, certainly; my calculation is founded upon that assumption.

60. If

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60. If you were to make only two squares, according to your suggestion; instead of three, as marked on the Plan, what then, do you think, would be the value of the land per foot?—It is exceedingly doubtful. The value of these squares would depend very much on the state of public confidence. I think the shops and the lodging houses in the streets, and such businesses as might be carried on there, would be found to fetch much more in the market than the squares; but my opinion is, that the squares may be worth from two to three guineas a foot; but I think that the quantity of ground contained in two squares would fetch more money than the three..

61. You stated, that unless the whole of these three squares were built, that the value that you put on the street is much too high, that is your opinion is it?—Yes; I cannot conceive that it would be a source of profit, but I conceive it would be a great benefit to the Metropolis, in respect to air and communication, and better drainage; that is of very great importance indeed. An observation has been made respecting this being the property of one corporate body; my opinion is, that if one-tenth part of the whole of London was connected with this, belonging to one body, it would be prudent in them to sweep away the whole, even if there was no return at all, to make the communication, in consequence of the increased value it would give to the other property.

62. What effect would this improvement have on the Palace of His Majesty?—I think it would remove all doubts about the situation of the Palace being a proper one..

63. Do you mean that it would make it much more acceptable for a royal residence?—I think it would make it as it should be.

64. You do not think it is as it should be now?—I think it is bad on account of the bad neighbourhood; otherwise, I think the situation of the Palace a very good one; it is very healthy and very good.

65. But you think it should be freed from a great proportion of houses that at present are very near it?—Yes; I think if there was a very handsome communication it would make it satisfactory to every body.

66. Should you think that the air in the neighbourhood of the Palace was affected by want of drainage in the immediate neighbourhood?—I think that the air between the House of Commons and the Palace, is generally very bad; and I should conceive that that would spread over a large surface occasionally. These are very narrow streets, [pointing to the Plan] and the sun in the winter time never reaches the bottom, consequently they cannot be well ventilated.

67. Looking at the Plan marked (A.), and considering it desirable to make a passage from Westminster Abbey on the east, to the western point of Buckingham Gardens at Lower Grosvenor-place, with a view of improving the access from the one to the other, and with a view of improving the value of the whole of the intermediate property north and south, in what direction would you (supposing the whole of such land was in the hands of one proprietor,) be disposed to draw such line?—I think the present line a very good one; that is the line drawn in Plan (A.) I think it is the best line under the circumstances.

68. What sort of soil is there in the line of the proposed improvement?—I consider it a very dry healthy soil naturally, if it only acquired the means of carrying off the surplus water. Whenever I have happened to dig in this neighbourhood, I have found a sand which I supposed to be an alluvial soil, deposited there at some remote period; and the ground being very nearly on a level, it is a very healthy soil for building upon. If there was a great line here, every body would know where to find access; and the different proprietors would be looking out for communication with it.

69. What rate houses would you propose to be built in a street of the size which you have recommended, namely, 120 feet?—That would depend very much on the state of circumstances and the public mind, when the ground was cleared. I could not take upon myself to say what would be the kind of applications for it; but I should expect that there would be applications for some large buildings; hotels, and buildings of that sort, on a large scale. I think it would be a very convenient place.

70. Would you not think that second rate houses on a scale suitable for Members of Parliament, and others who would not wish to have large houses in London, would be better for the street?—I think if the street was made very handsome, that

10 MINUTES OF EVIDENCE BEFORE SELECT COMMITTEE

Thomas Cubitt,
Esq.

28 June,
1832.

is broad and open, that the houses would generally be first-rate houses; that persons would be inclined to build houses, with a view of letting their lodgings to Members of Parliament.

71. If carriages were permitted to go out of the present carriage-road through the Park into those squares, would that not very much increase the value of the property?—I imagine that the present opening of the Bird Cage-walk would give access.

72. Would it not improve these squares very much, and also indeed improve the street itself, to have a communication from the Bird Cage-walk by a carriage-way?—I think the Park itself would be improved, as well as all the neighbourhood, by there being the greatest possible opening, without any obstruction of any kind; not only obstruction of air, but obstruction of passage.

73. By the Evidence which has already been taken before the Committee, it has appeared that in the judgment of one witness, the ground must, for the sake of sewerage, be raised in some places about seven feet; does the consideration of that fact (admitting its accuracy) induce you to consider that the plan which you have suggested, of opening the squares, and through them the street to the Bird Cage-walk, is practicable?—I should not consider it necessary to raise it so much for the purpose of drainage; I am quite certain that there are at present very good means of draining the Bird Cage-walk. The basin to the Palace is very well drained, which I believe is below that, but I am not certain of that. I do not think it necessary, even if it was raised seven feet, (which I do not think is necessary) but if it was raised seven feet, that need not be an abrupt bank; there might be an inclined plane, and a very good road up to it, seven feet is nothing.

74. As a practical man, Mr. Cubitt, do you think there would be any difficulty in obtaining rubbish from the excavations of the adjoining houses, and pulling down the property, and other sources, to raise this line of street to a sufficient height?—I do not think there will be any difficulty in raising it to a sufficient height; I do not think it will be necessary to raise it much.

[The *Chairman* handed in a Report made in pursuance of Resolutions passed at a Vestry Meeting, and subsequently at a meeting of the Local Board of Health of the united parishes of St. Margaret and St. John the Evangelist, Westminster, holden on the 6th of December last, by the recommendation of the Secretary of State for the Home Department, for the purpose of adopting such measures as may appear to be necessary to prevent the approach or spread of spasmodic cholera or other infectious malady.

After stating some general things, they say, "previous to entering on a narration of the next very serious, important, and all but universal grievance, it should perhaps be premised, that the Commissioners of Sewers have circulated largely a placard concerning the subject, and that it is on record in the Report of one of the district committees 'that they, the committee, are bound to say that the people (of said district) in general express themselves much satisfied with the attention of the Commissioners of Sewers to any complaint made to them as to the sewage.' It would then appear that by far the greater portion of these parishes is either without any common sewers at all, or that where they exist they are, from dilapidation or other causes, wholly inefficient, to the extent that 'it is dreaded some serious evil will arise'; the Reports set forth that 'all the endeavours of the inhabitants to keep their vicinity clean and wholesome are frustrated for want of drainage, there being no common sewers.' And this not rarely in crowded thoroughfares, public streets respectably peopled. As examples in proof, we may instance Stretton-ground, the line of way from the centre of lower Westminster to Vauxhall, Kennington, Clapham, &c., some small part of which indeed a sewer is said to traverse, its channel lying so far above the level of the floors of the basement stories of the houses, that they are consequently occupied by standing water, holding in solution the most disgusting and hurtful impurities. Of the greater part which is without a common sewer, the following is the judgment of the visiting committee: 'In Stretton-ground we found the cellars deeply covered with offensive matter issuing from the neighbouring soil, and there are no means of removing it except by pumping during the night, which the magistrates have forbidden; we are of opinion that if some decided measures are not taken to remove the nuisance in this street,

ON THE IMPROVEMENTS OF WESTMINSTER.

28 June
1832.

street, that a contagious fever of no ordinary malignity is likely to be produced.' In York-street and a part of James-street, through which the direct way from Westminster Abbey to Buckingham Palace lies, 'there is no common sewer, the privies are therefore disgorged into cesspools which receive also the refuse water of the houses, and the mixture is thence pumped or carried into the street; occasionally this refuse water collects for a length of time in small drains or wells, which also communicate more or less with the cesspools, becoming very offensive, and the subject of general complaint.' In lower neighbourhoods, where the inhabitants happen to be of a class that cannot meet the expense of carting away the accumulations in these cesspools, having either none or no effective drainage or sewage, they empty the overplus, of whatever it may happen to consist, into the street gutters at night, whence, as in York-street, it runs to the nearest grating, *out of which in consequence, not seldom, is emitted an effluvia as powerful as it is disgusting and dangerous.* In Rochester-row, and the streets, &c., on the south or south-western side of the Vauxhall Road, the stagnant ditches appear to be the universal receptacles, and from these, in favourable states out of atmosphere, there can be little doubt but that miasms of the most deleterious nature issue; from the same cause, the total want of drainage, the fluids which soak out of and through large dung-heaps, where horses and cows are kept, the scite of which happens to be low, either stagnate on the surrounding surface, or are carried out in soils, to be added to the other noisome contents of the open street gutters; unmixed soil, in fact, has been observed stagnating in ruinous and badly constructed drains, open for many feet together, to be at length absorbed by the surrounding earth, or to find its way into the deeper of the adjacent cellars; such is affirmed by its occupant to be the case 'round two sides of the house, No. 1. Vauxhall Bridge Road,' who also complains of 'having, with the rest of the neighbours, for six years, paid sewers' rates and draining, without having ever received the benefits of either the one or the other.' Of a cow-yard, situate in William-street, near Buckingham Gate, 'the subject of general complaint in the neighbourhood,' where twenty cows are kept in a very small space, which has a level much lower than the surrounding-streets, and which is therefore commonly flooded with rain and other refuse water, saturated with cow ordure, to get rid of which there are now no other means but pumping it into the street. The drains are, by the owner, said to have been stopped up by the late Mr. Elliott, then a Commissioner of Sewers, because they ran across his premises in their way to the common sewer. Again, in the words of one of the Reports, 'the want of a proper sewage, appears to the Committee one of the greatest and most lamentable obstacles to the ultimate improvement of the comfort of the poor of this district, as in order to supply the place of that most necessary easement in the closely inhabited neighbourhoods, a small drainage with cesspools, sunk out a short distance from the dwelling, forms the only discharge for houses in which commonly numerous families are living under the same roof. Such may be called an echo of the general voice of these parishes on this most important subject, and the opinion seems to be unanimous, that, "since it is a case so materially affecting the general health of the city," and a defect such "as it is not in the power of the inhabitants themselves to remedy," some strong representation should be made, either to the Central Board of Health or to the Secretary of State for the Home Department, as to the necessity of providing, if possible, some efficient sewage for districts in which the want of it is so much felt;' and for the providing and keeping in adequate repair of which, it may be added, the inhabitants have been and are regularly assessed and taxed."

12 MINUTES OF EVIDENCE BEFORE SELECT COMMITTEE

Mercurii, 4^o die Julii, 1832.

RIGBY WASON, ESQUIRE,

IN THE CHAIR.

Mr. *William Bardwell*, called in; and Examined.

Mr.
William Bardwell.

4 July,
1832.

75. YOU are an architect and surveyor?—Yes.

76. Have you examined, carefully, the ground from Westminster Abbey to the Chelsea Road?—I have; the ground and the buildings.

77. Have you examined, carefully, the whole of the ground, and the condition of the buildings, on the proposed line of street, from Westminster Abbey to the Chelsea Road?—I have.

78. Have you made an estimate of the probable cost of effecting this improvement; including the price of the land, and the compensation to the tenants?—I have.

79. What is the calculation, what does it amount to?—One hundred and twenty-two thousand five hundred pounds.

80. Are you of opinion that the cost of effecting this street could not possibly exceed 150,000*l.*?—Decidedly; I am of opinion that it would not exceed 150,000*l.*

[The Chairman drew the attention of the Committee to a Statement of the direct Taxes that would be paid to Government on the buildings, if the proposed Plan were carried into execution.]

No. I.

STATEMENT of the Amount of DUTY on MATERIALS used in erecting a First-rate House, 24 x 45 = 1,080 square feet.

			£.	s.	d.
Bricks	- -	280,000	-	-	at per thousand, 5 <i>s.</i> 10 <i>d.</i>
Timber	- -	16 load	-	-	at per load - 2 <i>L.</i> 15 <i>s.</i>
Deals	- -	2 $\frac{1}{2}$ hundred	-	-	at per hundred 19 <i>L.</i> -
Paper	- -	220 pieces	-	-	at per piece - 1 <i>s.</i> 1 <i>d.</i>
Glass	- -	1,100 feet	-	-	at per foot - 7 <i>d.</i> -
Sundries direct, Slates, Marble, Flagging Stones, and Stone Stairs					
			£.	241	11 8

No. 2.

STATEMENT of MANUAL LABOUR in erecting a First-rate House, the cost price of which is about £. 2,500; size 24 × 45, or about 1,080 square feet.

	£.
Carpenter and joiner's work	240
Bricklayer	125
Digging and carting away foundation	30
Painting	60
Paper hanging	18
Stone-work	100
Flagging	12
Plumbing	30
Slating	15
Carting timber, men only	20
Carting bricks, men only	35
Sawing timber	65
Plasterer	90
	<hr/>
Sundries, Smith, &c.	£. 840
	50
	<hr/>
	£. 890

No. 3.

TAXES.

There are 11,000 feet of front land in the squares and streets, on which 500 houses of 22 feet frontage may be built.

A house 24 feet front by 45 feet deep, will pay 240*l.* in direct taxes on the articles used, (see Statement, No. 1); 500 houses will therefore pay 120,000*l.* in direct taxes.

LABOUR.

One house of the above dimensions will pay 890*l.* in direct manual labour, (see Statement, No. 2,) 500 houses will therefore pay 445,000*l.* giving employment to 2,000 persons for about four years, at one pound per week to each family; but the money paid in indirect manual labour is also very great. Take one article, that of bricks; the price for making is 10*s.* per thousand; a house of the above dimensions will take 280,000 bricks; 500 houses will take 140,000,000 bricks, which, at 10*s.* per thousand, would give 70,000*l.* paid in wages upon this one article.

	£.
Money paid in direct taxes to Government	120,000
Money paid in direct manual labour in building	445,000
Money paid in labour on one article alone used in building	70,000

Rigby Wason,
Chairman.

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R E P O R T

FROM

SELECT COMMITTEE

ON THE

IMPROVEMENTS OF WESTMINSTER:

WITH

THE MINUTES OF EVIDENCE.

Ordered, by The House of Commons, to be Printed,
18 July 1832.

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